

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-16-0267
DANTE BAILEY, et al.,)
Defendants.)
_____)

Thursday, April 4, 2019
Courtroom 1A
Baltimore, Maryland

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE
(AND A JURY)

VOLUME XI

For the Plaintiff:

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For the Defendant Dante Bailey:

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Reported by:

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1 For the Defendant Randy Banks:

2 Brian Sardelli, Esquire

3 For the Defendant Corloyd Anderson:

4 Elita Amato, Esquire

5
6 For the Defendant Jamal Lockley:

7 Harry Trainor, Esquire

8 For the Defendant Shakeen Davis:

9 Paul Hazlehurst, Esquire

10
11 For the Defendant Sydni Frazier:

12 Christopher Davis, Esquire

13
14 Also Present:

15 Special Agent Christian Aanonsen, ATF

P R O C E E D I N G S

(10:39 a.m.)

THE COURT: All right. Good morning, everyone.

MS. HOFFMAN: Good morning.

THE COURT: Any issues before we bring in the jury?

MR. SARDELLI: Your Honor, I did have one issue,
Your Honor.

THE COURT: All right.

MR. SARDELLI: I believe one of the cooperators,
Mr. Ferguson, may be testifying today, Your Honor. And I'm
concerned about some of the statements may be impermissible
hearsay and lack of basis of knowledge.

For example, I reviewed ATF Report Number 95, and
there may be evidence about a hit being put out, allegedly, by
my client. And I think his basis of knowledge will be what his
cousin told him or based on hearsay from his cousin.

And I think he's a BGF member, and I'm not sure if the
cousin's associated or has anything to do with the gang or if
it's a statement in furtherance of a co-conspiracy or a
conspiracy or how it would come in, Your Honor.

And, also, on Page 95 there appears to be -- of the --
I'm sorry.

The statement from the cousin is from Page 18 of the
grand jury transcript. I'm mistaken.

THE COURT: All right.

1 **MR. SARDELLI:** The other one, Your Honor -- I think
2 there's going to be numerous examples of this -- is there's
3 pages -- Paragraph 23 from ATF Report Number 95 where there's
4 some hearsay about my client being a triggerman or a guy named
5 Lance being my client's triggerman. And that's coming from a
6 Muslim named Jawaun who was not a gang member, quote/unquote,
7 from the ATF report.

8 So I'm concerned about -- those are just two examples.
9 I'm concerned about a lot of hearsay coming in through this
10 witness that has either no basis of knowledge or is
11 impermissible hearsay, Your Honor.

12 And what I'm worried about is -- through the trial so
13 far, I'm worried about it coming out and then there being an
14 objection; and we can't repair the issue if it's not a proper
15 exception to the Hearsay Rule, if it's a proper basis of
16 knowledge.

17 So I would like to talk about that now. And, also, if
18 during the examination they can also lay the foundation first
19 and the basis of the knowledge first before they ask the
20 ultimate question, it would be helpful for me to be able to
21 object in a timely fashion, Your Honor.

22 **THE COURT:** All right. Thank you.

23 Are we anticipating this witness shortly?

24 **MS. HOFFMAN:** No. He's the fifth witness today.

25 The first four, though, may be relatively short.

1 And I can address -- I think I can address those
2 things now, if you'd like, or we could wait.

3 **THE COURT:** Sure. I see Mr. Trainor.

4 Mr. Trainor, is it the same witness that you have
5 issues with, or is this a different issue?

6 **MR. TRAINOR:** A different one.

7 **THE COURT:** Different one. All right.

8 Then go ahead and respond as to Mr. Ferguson.

9 **MS. HOFFMAN:** Sure. Well, actually, Mr. Sardelli,
10 what was the paragraph of the second objection that you have?

11 **MR. SARDELLI:** Your Honor, the one was Page 18 of the
12 grand jury transcript involving the cousin.

13 **THE COURT:** Right.

14 **MR. SARDELLI:** I think the other one -- these are just
15 two examples. I think there may be more -- is Page 95 --
16 excuse me, ATF Report Number 95, Paragraph 23.

17 **MS. HOFFMAN:** So, yeah, Paragraph 23, I think, does
18 deal with hearsay, and I was not planning to elicit that.

19 **THE COURT:** Okay.

20 **MS. HOFFMAN:** The hit, though, I am planning to
21 elicit. And he does in the grand jury say that he heard about
22 it, I think, initially through his cousin.

23 He did also hear about it from a member of the Bloods,
24 from Antonio Walker-Bey, also known as Tone.

25 And so I did plan to elicit it that way.

1 It's also relevant to -- I also plan to elicit it in
2 the context of explaining why he took certain actions. So he
3 will acknowledge that he actually got involved in retaliatory
4 violence himself and that he was scared and that he knew that
5 he had this hit on his life, and that was part of the reason
6 for attempting to retaliate. And so I think it's also
7 admissible because it goes to his state of mind and motive in
8 getting involved in the retaliatory violence.

9 So I do think that that -- the hit on his life is
10 admissible. But Mr. Sardelli is right that there's a lot of
11 hearsay that he talks about in all the reports and in the
12 grand jury that I don't intend to elicit.

13 **THE COURT:** Okay. Well, let's come back to the one
14 issue about the alleged hit which you're saying also comes in
15 from a conversation with Antonio Walker-Bey.

16 I'm understanding that the other things that appeared
17 to be clear hearsay you're not planning to elicit. If you
18 can -- if you appear to be getting close to that kind of issue,
19 to the extent, as he suggests, that you sort of -- we try to
20 figure out where it's going to come from, where the information
21 is going to come from in time for Mr. Sardelli to object. That
22 sounds like the best we can do.

23 **MS. HOFFMAN:** Sure. Of course.

24 **MR. SARDELLI:** Your Honor, this brings up another
25 issue. This also appears to be -- I think there's an

1 allegation that a family member of my client was killed. And a
2 lot of this is in retaliation or in response to that.

3 And, again, I don't know if there's any evidence that
4 that's really in furtherance of the conspiracy or is a personal
5 grudge type of thing based on the death of a family member.
6 And I think that they haven't -- as far as I've seen or
7 reviewed this, I'm still lacking -- I know she's saying it's
8 coming through this other person and not the cousin, as well as
9 the cousin, but I'm also not clear as to how this is in
10 furtherance of the conspiracy and how this isn't a hearsay
11 statement, therefore.

12 **THE COURT:** Okay. Well, we'll have to talk about that
13 a little bit further before Mr. Ferguson testifies to it.
14 Maybe someone can get me a copy of the grand jury testimony,
15 maybe.

16 Mr. Trainor.

17 **MR. TRAINOR:** Thank you, Your Honor.

18 Your Honor, it's my understanding that the Government
19 may call Brandon Robinson and his sister, Shannon Robinson,
20 today.

21 And as I understand it from the discovery,
22 Brandon Robinson would testify that he was given a number for
23 somebody known as T-Roy and that he called that phone number
24 that he was given and arranged to purchase a small quantity of
25 drugs and then took it back to wherever he was from, which may

1 be Western Maryland, I think.

2 And he gave his sister some of the drugs, and she
3 later had to go to the hospital with what they would
4 characterize as an overdose.

5 It's that part that we argue is not relevant to the
6 charges here and any -- that it would be outweighed by any
7 prejudicial impact.

8 I don't know that the Government would be prepared to
9 put on medical testimony that specifically shows that
10 Shannon Robinson overdosed from what her brother gave her. I
11 understand she was a heroin user before that.

12 But -- so we would be objecting to anything regarding
13 a secondhand overdose as not relevant and outweighed by the
14 prejudicial impact.

15 **THE COURT:** Okay. Thank you.

16 **MR. TRAINOR:** And, also, I've been asked to raise an
17 issue with the Court.

18 My client has seen that it seems to be the practice of
19 the Government when they play wiretap calls to put the
20 transcript up with his name on it for the witness before the
21 witness has laid a foundation that he or she recognizes the
22 voice, and so we're objecting to that practice as really a
23 leading of the witness. And it seems to go on and on.

24 The same -- my client brought to my attention that
25 when the Government shows maps with these targeted areas, that

1 the maps are already marked with certain locations. And we're
2 objecting that that is leading, and we're asking that that
3 practice be stopped as well.

4 **THE COURT:** Okay. Thank you.

5 As to the Robinsons?

6 **MS. HOFFMAN:** Yes. So they are our first two
7 witnesses today. And the way that the Government identified
8 Brandon and Shannon Robinson was that ATF did a wiretap on
9 Jamal Lockley, a/k/a T-Roy's cell phone in the summer of 2015.
10 They intercepted a call shortly after this overdose happened in
11 which Brandon Robinson informed T-Roy, Hey, you got to be
12 careful. That shit was really strong. My friend had to go in
13 an ambulance.

14 And Brandon Robinson will testify that before buying
15 the heroin -- or when he bought the heroin from T-Roy that day,
16 T-Roy asked him to tell -- to report back to him about the
17 quality of the heroin and that that was unusual; that he hadn't
18 asked that in the past; and that he did think that the heroin
19 was particularly potent that day.

20 He then shared some with his sister. And his sister
21 will testify that she injected that heroin, and then it was a
22 nonfatal overdose. She actually did not end up going to the
23 hospital. She regained consciousness after the ambulance
24 arrived and didn't go to the hospital. But we think it's
25 absolutely relevant, given the nature of the intercepted

1 wiretap conversation which will be played for the jury.

2 And I should mention there have already been
3 references to overdoses that have come up in text messages from
4 various defendants' cell phones, and we do think that that's
5 relevant. It's certainly proof of the type of drug that they
6 were distributing and the potency of it and their knowledge of
7 what they were distributing.

8 As to the second issue, the transcripts, Ms. Perry
9 was, I believe, very careful with Agent Aanonsen when he first
10 testified to lay the foundation for the voice recognition in
11 all of the wire transcripts.

12 So she went through every single -- every single
13 person who's identified in those wire call transcripts and
14 asked Agent Aanonsen: How were you able to identify that
15 person's voice?

16 And he explained at great length how he was able to
17 identify each participant's voice, and so we believe that
18 foundation has been laid.

19 Now, it's certainly true that we have played calls
20 through witnesses who are not able to recognize the
21 participants' voices, and I think we've tried to make that
22 clear that they're simply relying on a transcript that was
23 prepared by someone else and someone else's voice
24 identification.

25 But in a complicated case like this, we think it's

1 important that the jury be able to refer to those transcripts
2 and that we not have to play every single call through the
3 agent and go through in painstaking detail how he identified
4 the voice with respect to each individual transcript.

5 **THE COURT:** All right. Well, on the last two issues,
6 I agree. That's my recollection as well, that these were, in
7 terms of the voice recognition or how people could be
8 recognized as speaking on the recordings, that that was covered
9 in an earlier part of the case.

10 And as to the map, it's simply a matter of efficiency.

11 Obviously, if any defendant or defense counsel has a
12 challenge to the accuracy of the identification of the voices
13 or a challenge to the accuracy of a red pin dot that may
14 already be on the map, you're more than welcome to bring that
15 up.

16 But I don't think we need to have a new map every time
17 with every witness sort of drawing new things on it as to
18 issues which really don't seem to be in much dispute.

19 In terms of the testimony of the Robinsons, as it's
20 been explained by the Government, the reporting back to
21 Mr. Lockley was in response to a request from him about the
22 quality of the drugs.

23 Certainly the issue of potency and strength is one
24 that's relevant to discussion of the narcotics distribution
25 business. And, again, given the proffer of what the wire call

1 said, I find it very hard to see why the testimony should be
2 excluded.

3 It certainly can be questioned. I don't know whether
4 there was -- she may have ingested some other substances. But
5 I believe it's going to be her personal experience, sounds
6 like, as a drug user and sort of an immediate reaction to what
7 she ingested, which I think she's qualified to testify to.

8 All right. Can we bring in the jury.

9 Did you find a copy of the grand jury transcript?

10 **MS. HOFFMAN:** I can give you my copy if there's any
11 chance I could get it back before he testifies.

12 **THE COURT:** Oh, of course.

13 **MS. HOFFMAN:** The grand jury transcript, though, does
14 not mention the other source of the information about the hit.
15 It just mentions the cousin.

16 **THE COURT:** Okay. Is there anywhere else -- let's
17 see.

18 So this is just Page 18, basically. I'll take a look
19 at it.

20 Is there anywhere else that mentions Mr. Walker-Bey?

21 **MS. HOFFMAN:** Not in the grand jury. And actually, I
22 don't think it's in the report, either. It's just what he's
23 told us.

24 (Jury entered the courtroom at 10:53 a.m.)

25 **THE COURT:** Welcome back, ladies and gentlemen.

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1 Sorry. We had some issues to work out.

2 But I think the Government's ready to call a witness.

3 **MS. HOFFMAN:** The Government calls Brandon Robinson.

4 **THE CLERK:** Please raise your right hand.

5 BRANDON ROBINSON, GOVERNMENT'S WITNESS, SWORN.

6 **THE CLERK:** Please be seated.

7 Please speak directly into the microphone.

8 State and spell your full name for the record, please.

9 **THE WITNESS:** Brandon Robinson, B-R-A-N-D-O-N,
10 R-O-B-I-N-S-O-N.

11 **THE CLERK:** Thank you.

12 DIRECT EXAMINATION

13 **BY MS. HOFFMAN:**

14 **Q.** Good morning, Mr. Robinson.

15 **A.** Hi.

16 **Q.** How old are you?

17 **A.** 27.

18 **Q.** And where are you from?

19 **A.** Eastern Maryland.

20 **THE CLERK:** You need to slide up just a little bit.

21 **THE WITNESS:** Eastern Maryland.

22 **THE CLERK:** Thank you.

23 **BY MS. HOFFMAN:**

24 **Q.** Do you have a history of drug use?

25 **A.** Yes.

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1 Q. And what drug specifically?

2 A. Heroin.

3 Q. At some point in time did you become addicted to heroin?

4 A. Yes.

5 Q. And about how long ago what that?

6 A. About seven years ago.

7 Q. Where would you go to purchase heroin starting --
8 directing your attention to the 2014 and 2015 time period,
9 where would you go to purchase heroin?

10 A. The city of Baltimore.

11 Q. And where in Baltimore would you go?

12 A. Security Boulevard. That's all I know.

13 Q. Were there any other landmarks that stick out in your
14 mind?

15 A. The BP station.

16 Q. And is that BP gas station close to a highway?

17 A. Yes.

18 Q. What highway is it close to?

19 A. 70.

20 Q. I'm going to pull up Government's Exhibit MAP-23, and it
21 should show up on the screen right in front of you.

22 Do you see that image there?

23 A. Yes.

24 Q. Do you recognize that location?

25 A. Yes, I do.

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1 **Q.** Is that the BP that you're referring to?

2 **A.** Yes, it is.

3 **Q.** Did you have a heroin connection in that area?

4 **A.** I did.

5 **Q.** And what did you know him by? What name did you know him
6 by?

7 **A.** T-Roy.

8 **Q.** How did you get connected with T-Roy?

9 **A.** Through a friend.

10 **Q.** And when did you first begin purchasing heroin from T-Roy?

11 **A.** I believe it was 2014, 2015, around that time.

12 **Q.** How would you contact T-Roy?

13 **A.** Via phone.

14 **Q.** And did you have his number programmed in your phone?

15 **A.** Did I have the what? I'm sorry?

16 **Q.** Did you have his phone number programmed in your phone?

17 **A.** Yes.

18 **Q.** When you would call T-Roy, how would the conversation
19 usually go?

20 **A.** It would be a very short conversation. I would call. He
21 would pick up, and he would say, "Come."

22 **Q.** Would you ever ask him a question?

23 **A.** Hardly.

24 **Q.** And when you said he would say, "Come," would he direct
25 you where to go?

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1 **A.** Yes.

2 **Q.** And what were some of the locations that he would direct
3 you to go to?

4 **A.** I don't have any specific ones in my memory except they
5 were all just generally around the BP station.

6 **Q.** When you would go to the location that T-Roy directed you
7 to, was it T-Roy who would actually give you the heroin?

8 **A.** No.

9 **Q.** And who would deliver the heroin?

10 **A.** Somebody. I didn't know their name.

11 **Q.** And how did you know that it wasn't T-Roy?

12 **A.** Um, that's a good question.

13 **Q.** But was there something that indicated to you that it
14 wasn't T-Roy? Was there a different voice, for instance?

15 **A.** Well, yes. Yeah, that would be the only thing that I'd --
16 but I wasn't trying to figure out who he was. But you're
17 right, yes. It would be a different voice.

18 **Q.** And you said someone else would deliver the heroin. You
19 believed it was someone else. Was there -- were there -- was
20 there one person or were there people who would regularly
21 deliver heroin when you contacted T-Roy?

22 **A.** Yes.

23 **Q.** And would they meet you at the --

24 **A.** Sorry about that.

25 **Q.** No. Take your time.

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1 Would they meet you at the locations where T-Roy directed
2 you?

3 **A.** Yes.

4 **Q.** And would they give you the amount of heroin that you had
5 ordered from T-Roy?

6 **A.** Yes.

7 **Q.** And was it your understanding that they -- based on that,
8 was it your understanding that they were sent by T-Roy?

9 **A.** Yes.

10 **MR. TRAINOR:** Objection to the leading.

11 **THE COURT:** Sustained.

12 **BY MS. HOFFMAN:**

13 **Q.** You mentioned that you began purchasing heroin through
14 T-Roy in, you think it was, 2014 or 2015.

15 About how long did you purchase heroin from him in terms
16 of years?

17 **A.** I believe it was a little less than a year.

18 **Q.** And during that period, how often would you buy heroin
19 through T-Roy?

20 **A.** Usually daily or every other day.

21 **Q.** And how much would you typically buy at a time?

22 **A.** Half gram.

23 **Q.** How much would you pay for half a gram of heroin?

24 **A.** \$50.

25 **Q.** And how was the heroin usually packaged?

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1 **A.** In a bag.

2 **Q.** Did you ever bring anyone else with you to purchase
3 heroin?

4 **A.** On one occasion I brought my sister.

5 **Q.** And what's your sister's name?

6 **A.** Shannon.

7 **Q.** I want to ask you about a day in the summer of 2016,
8 specifically July 26th of 2016.

9 Did you share heroin with your sister, Shannon, on that
10 day?

11 **A.** Yes.

12 **Q.** And can you tell us what happened.

13 **MR. TRAINOR:** Objection.

14 **THE WITNESS:** She overdosed.

15 **THE COURT:** Same objection. Overruled.

16 **BY MS. HOFFMAN:**

17 **Q.** You can answer, Mr. Robinson. What happened?

18 **A.** She overdosed.

19 **Q.** And had you purchased the heroin through T-Roy that day?

20 **A.** Yes.

21 **Q.** Excuse me.

22 You said your sister overdosed. Can you give us some more
23 detail. Can you explain what you observed.

24 **A.** It was about three or four minutes after she had done it,
25 she had left the room. And then I had went to go get a drink

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1 of water or something, and I saw her laying down.

2 And it was at that time that I panicked, and somebody in
3 my house got involved and called 9-1-1. And --

4 **Q.** Was your sister unconscious?

5 **A.** She was unconscious, yes.

6 **Q.** What happened when you called -- when 9-1-1 was called?

7 **A.** They came. And she had woken up by that time, and then we
8 just told 'em some story, like -- I don't know.

9 **Q.** What story did you tell them?

10 **A.** I believe she told 'em that she had taken some sort of
11 pill and got dizzy or something and had been on some --

12 **Q.** Was that true?

13 **A.** -- medication.

14 No, it was not true.

15 **Q.** Had you seen her take the heroin that day?

16 **A.** Yes.

17 **Q.** And how did she take it?

18 **A.** Injection.

19 **Q.** Did she go in the ambulance to the hospital?

20 **A.** She did not.

21 **Q.** And why not?

22 **A.** Because she was okay. She didn't see any purpose in it.

23 **Q.** Was there anything unusual about the transaction with
24 T-Roy that day?

25 **A.** On that day I was asked to tell him how -- the quality of

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1 it --

2 Q. You said that --

3 A. -- which was unusual.

4 Q. -- T-Roy asked you to report on the quality of the heroin?

5 A. Yes.

6 Q. And how was the quality of heroin that day, based on --
7 based on your experience with heroin?

8 A. I don't remember, like, specifically thinking it was,
9 like, that great. I just -- I just remember the incident that
10 happened, you know. And I did call back just to warn, you
11 know, like, "Hey, this is really strong."

12 Q. You mentioned that you called back to warn that it was
13 strong. And I'm going to play a call from
14 Government's Exhibit Wire 3, which has come into evidence as a
15 CD of wire calls intercepted over a phone number,
16 (443) 709-7780, belonging to Jamal Lockley, a/k/a T-Roy.

17 And I'm going to play a call, TT-3-3354.

18 And in the transcript binders, this is on Page 110 of the
19 wire call tab.

20 Mr. Robinson, can you see on the screen in front of you
21 the transcript there?

22 A. Yes.

23 Q. And would you mind reading the date of this call for us.

24 A. 7/26/2016.

25 Q. I'll play the call.

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(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. Do you recognize the participants in that call?

A. Yes.

Q. And who is it?

A. I believe it was T-Roy.

Q. And is that also you?

A. Yes.

Q. Did you make this call the same day that your sister overdosed?

A. Yes.

Q. And did there come a time when you stopped buying heroin from T-Roy?

A. Yes.

Q. And why was that?

A. Because I wanted to get sober.

Q. Was there a particular incident that precipitated your no longer buying heroin from T-Roy?

A. Yes.

Q. Can you tell us what happened.

A. Yeah. I had shorted somebody and drove off, but that was a long time ago.

Q. When you say "shorted," what does it mean to short somebody?

A. To not give them the full amount of money that they were

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1 expecting.

2 **Q.** On that day, had you called T-Roy like you normally did?

3 **A.** Uh-huh.

4 **Q.** And had you asked for your normal amount?

5 **A.** Yes.

6 **Q.** Was that a half gram?

7 **A.** Uh-huh.

8 **Q.** And I believe you testified that you paid \$50 for half a
9 gram?

10 **A.** Yes.

11 **Q.** And can you tell us exactly what happened when -- when the
12 heroin was delivered to you.

13 **A.** My memory isn't -- of that day wasn't that great because I
14 was under the influence of a lot of different things.

15 **Q.** So you said that you shorted -- you shorted someone money.
16 Was the person you shorted money to the runner who arrived to
17 deliver you heroin?

18 **A.** I believe it was, yes.

19 **Q.** And then you said you sped away?

20 **A.** Yes.

21 **Q.** And after that, you said you never purchased heroin from
22 T-Roy again?

23 **A.** No, I didn't.

24 **Q.** I just want to go back briefly.

25 You said you believed you started purchasing heroin from

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1 T-Roy in 2014 or 2015; is that right?

2 **A.** Yes. It was probably around 2015. Because I looked up
3 the date, and it said 2016 when that call was. So it was
4 probably around 2015.

5 **Q.** Okay. Do you know when -- do you recall when in 2015?

6 **A.** No.

7 **Q.** Okay. When you would call T-Roy to order heroin, was it
8 the same voice that you would hear on the other end?

9 **A.** I believe it was.

10 **MS. HOFFMAN:** Thank you, Mr. Robinson.

11 I don't have any further questions for you.

12 **THE WITNESS:** Thank you.

13 **THE COURT:** All right. Thank you.

14 Any questions?

15 **MS. WHALEN:** No questions.

16 **THE COURT:** All right. Mr. Trainor.

17 CROSS-EXAMINATION

18 **BY MR. TRAINOR:**

19 **Q.** Good morning, Mr. Robinson.

20 **A.** Good morning.

21 **Q.** As I understand it, a friend of yours gave you a phone
22 number and told you you could get heroin if you called this
23 number, and the friend was the person who said that the number
24 was for T-Roy; correct?

25 **A.** Yes.

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1 Q. Now, you would call that number and from time to time buy
2 a half a gram of heroin; correct?

3 A. Yes.

4 Q. But you'd never actually met this person who your friend
5 identified as T-Roy, did you?

6 A. No.

7 Q. All right. You mentioned that in one incident when you
8 shorted someone, that you were under the influence of a lot of
9 different things besides heroin; correct?

10 A. Yes.

11 Q. What were those different things?

12 A. Xanax.

13 Q. What else?

14 A. It might have been Xan -- it was two different types of
15 benzos, Xanax maybe and Klonopin.

16 Q. Klonopin? Are those prescription drugs or --

17 A. Yes.

18 Q. And did you have a prescription for those things?

19 A. No.

20 Q. And who did you get those from?

21 A. A friend.

22 Q. All right. So you would take Xanax, Klonopin, and
23 supplement it with heroin; correct?

24 A. Yes.

25 Q. And at that point in your life, you were shooting drugs,

1 right, with a hypodermic needle (indicating)?

2 A. Yes.

3 Q. And your sister was also doing the same thing; correct?

4 A. Yes.

5 Q. And she would take pills like Klonopin and Xanax as well.

6 A. Not those, but the heroin, yes.

7 Q. Percocets?

8 A. Yes. Yeah.

9 Q. Yeah. And, in fact, that time when you said she took some
10 heroin and fell asleep, you don't know whether or not she had
11 also been taking Percocets that day, do you?

12 A. I don't.

13 Q. Yeah. And, in fact, when you -- you called the ambulance
14 and they came to, I assume, your home?

15 A. Yes.

16 Q. Your sister told the ambulance personnel that, in fact,
17 she had been taking Percocets, and that is what caused her to
18 go to sleep; correct?

19 A. Yes.

20 Q. All right. Now, when you would call this number and meet
21 some -- you say the calls were very short, just a few words,
22 like, "Come"; right?

23 A. Yes.

24 Q. You would go to an area in Northwest Baltimore that was
25 not actually at the BP station; correct?

~~B. ROBINSON - CROSS~~

A. Yes.

Q. In fact, there was -- do you recall the Chelsea Square Apartments?

A. Maybe, yeah.

Q. Maybe, but you're not sure?

A. I'm not sure.

Q. So you're really not sure exactly where you went to buy drugs in Northwest Baltimore?

A. At the time I did. I -- I learned the locations and -- yeah.

Q. But you don't remember now?

A. I don't anymore, no.

MR. TRAINOR: All right. I don't have any further questions.

Thank you.

THE COURT: Thank you, Mr. Trainor.

Any redirect?

MS. HOFFMAN: No redirect. Thank you.

THE COURT: Okay. Thank you, sir. You are excused.

THE WITNESS: Okay.

(Witness excused.)

THE COURT: Is the Government calling another witness?

MS. PERRY: Yes, Your Honor. The Government calls Shannon Robinson.

THE CLERK: Please raise your right hand.

~~S. ROBINSON - DIRECT~~

SHANNON ROBINSON, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Okay. S -- or Shannon Robinson,

S-H-A-N-N-O-N, R-O-B-I-N-S-O-N.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. PERRY:

Q. Good morning.

A. Good morning.

Q. How old are you?

A. 28.

Q. And directing your attention back to the summer of 2016,
who were you living with around then?

A. My family, parents, my brother.

Q. And you said your brother. Who's your brother?

A. Brandon Robinson.

Q. And back in the summer of 2016, were you using drugs?

A. Yeah.

Q. What kind?

A. Heroin.

Q. How often were you using heroin?

A. Not -- it was just kind of recreational for me, not too
much.

~~S. ROBINSON - DIRECT~~

1 Q. And where did you get the heroin you used from?

2 A. My brother got it.

3 Q. Did you always get it from your brother?

4 A. Uh-huh.

5 Q. Now, around that time, did your brother, Brandon, have a
6 substance abuse problem?

7 A. Yeah.

8 Q. Ms. Robinson, were you ever with your brother when he
9 obtained heroin?

10 A. I did go a couple times with him.

11 Q. And when you would go with him, where would you go, if you
12 recall?

13 A. Baltimore.

14 Q. And do you recall any specific areas of Baltimore that you
15 would go to?

16 A. Just a gas station, the BP gas station.

17 Q. And when you were with your brother on those few
18 occasions, did you ever see who handed him the drugs?

19 A. No. I didn't look at their faces.

20 Q. So I want to direct your attention specifically to
21 July 26th of 2016. Do you remember that day?

22 A. Yeah.

23 Q. What were you doing on that day?

24 A. Well, I woke up and I was kind of having a couple beers.

25 And then my brother came home and he had "boughten" the heroin,

~~S. ROBINSON - DIRECT~~

1 so we did it.

2 Q. Around what time did you do heroin that day, if you
3 recall?

4 A. I think it was like midday.

5 Q. And you said that your brother came back with heroin. Did
6 he provide you with some of it?

7 A. Yes.

8 Q. And what did you do with it?

9 A. We injected it.

10 Q. Tell us what happened after you injected the heroin.

11 A. Um, I don't remember what happened right after. I just
12 woke up on the floor in the kitchen.

13 Q. So where were you when you did the heroin?

14 A. My brother's room.

15 Q. And what's the next thing you remember?

16 A. I -- I just remember, like, opening my eyes. And my
17 brother was over, like, looking at me. And he had said that I
18 was unresponsive and that he had called the ambulance and that
19 I guess I basically had OD'd.

20 Q. Do you recall -- do you know how long you were
21 unconscious?

22 A. I don't know.

23 Q. And when you woke up, were you in any pain?

24 A. Um, it was -- I was uncomfortable. I could tell that
25 something was wrong. But not until like a couple -- like a

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1 day -- like the next day, I had incredibly bad pain in -- like,
2 right here (indicating).

3 Q. And you're --

4 A. My ribs.

5 Q. Your abdomen?

6 A. Uh-huh.

7 Q. And did you have any marks on your abdomen?

8 A. Yeah. I had a big, black bruise.

9 Q. And do you know what that was from?

10 A. I guess my brother had to give me, you know --

11 MR. TRAINOR: Objection.

12 THE WITNESS: -- the compressions.

13 BY MS. PERRY:

14 Q. Let me stop you right there.

15 THE COURT: Sustained. Sustained.

16 BY MS. PERRY:

17 Q. Now, did -- once you became -- when you woke up as you
18 described it, what happened next? Did there come a time when
19 anyone else arrived?

20 A. Yeah.

21 Q. Who arrived?

22 A. The ambulance.

23 Q. And what happened when the ambulance got there?

24 A. I basically just tried to get them to leave. They asked
25 me if I was okay. They didn't give -- like, that was it. They

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1 just came, kind of crowded around me. I told them that I was
2 going to be fine, and they left.

3 I did not, like, tell them that I had taken the heroin. I
4 had said that I had taken pills instead, 'cause I was afraid to
5 tell them.

6 Q. Why did you tell them you had taken pills?

7 A. I didn't want to tell them that I did that. I didn't want
8 to, you know -- I didn't want to talk about it.

9 Q. And had you taken pills that day?

10 A. No; just the heroin.

11 Q. Now, Ms. Robinson, I want to show you
12 Government's Exhibit MISC-2. These are records from the
13 response.

14 Can you see the screen next to you?

15 A. Yeah.

16 Q. And can you see the portion I'm zooming in on?

17 A. Yes.

18 Q. Whose name is that?

19 A. That's my name.

20 Q. And can you see the date here at the top?

21 A. I can.

22 Q. Can you just read that date for us.

23 A. 7/26/2016.

24 Q. Now, I want to turn to the next page and just zoom in
25 here.

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1 And do you see the part here that I've highlighted that
2 says that patient wanted to refuse transport to the hospital?

3 **A.** Yes.

4 **Q.** Did you, in fact, refuse to go to the hospital on that
5 day?

6 **A.** I did.

7 **Q.** Now, Ms. Robinson, you said that you occasionally used
8 heroin before this particular day.

9 **A.** Uh-huh.

10 **Q.** Was your reaction this day different than typical?

11 **A.** Yeah.

12 **Q.** How so?

13 **A.** I -- I passed out. I had never done that before and,
14 like, completely lost the track of time when I was passed out.
15 I had no idea that I had. I don't remember going upstairs. It
16 was just weird.

17 **MS. PERRY:** Court's indulgence.

18 Nothing further. Thank you.

19 **THE COURT:** Thank you.

20 Mr. Trainor.

21 **MR. TRAINOR:** Thank you, Your Honor.

22 CROSS-EXAMINATION

23 **BY MR. TRAINOR:**

24 **Q.** Good morning, Ms. Robinson.

25 **A.** Good morning.

1 Q. Forgive me if I ask a few questions. I couldn't hear
2 everything you said over there.

3 On July 26th, 2016, your brother, Brandon, brought you
4 some drugs; is that right?

5 A. Yes.

6 Q. And you didn't go with him to get drugs --

7 A. Not that day, no.

8 Q. -- that day?

9 But it wasn't that unusual for Brandon to bring drugs to
10 you; correct?

11 A. Yeah. I -- like, are you -- as in asking if he's the one
12 that I'd usually gotten drugs from? Yeah.

13 Q. Is he the one you -- well, that's what I'm asking.

14 A. Yeah, yeah. Sorry. I was just trying to clarify.

15 Q. And it wasn't -- you wouldn't just get heroin from him,
16 you'd get Percocets as well?

17 A. No, no, unh-unh.

18 Q. You never did Percocets?

19 A. No, no, no. I had -- the reason why the Percocet was
20 brought up, I did not want to tell the ambulance that I had
21 injected the heroin, so I said Percocet.

22 Q. Did you sometimes do Percocets and other pills?

23 A. Not -- not regularly, no.

24 Q. All right. Well, what -- I think I heard you say that on
25 July 26th of 2016 when the ambulance came, you told the

1 ambulance attendants that you had been taking pills.

2 A. Yes.

3 Q. And that when you were asked, "Had you been taking pills
4 that day?" you said, "I don't think so." So you're not
5 positive whether you were taking pills as well that day?

6 A. I'm positive I was not taking pills.

7 Q. You are positive?

8 A. I'm positive, yes.

9 Q. All right. And how long had you been actually injecting
10 drugs when you lost consciousness?

11 A. I'd say on and off, I -- I don't really -- how long? A
12 couple months, maybe, but not like all -- I wasn't doing it
13 every day. Just in the span that I had ever tried heroin,
14 then, yes.

15 Q. You weren't doing it every day?

16 A. No.

17 Q. You say you were doing it recreationally; is that right?

18 A. (Nods head.)

19 Q. And were you aware that your brother, Brandon, was -- had
20 a fairly bad heroin habit?

21 A. I was aware, yes.

22 Q. And were you aware that he was doing other drugs as well,
23 such as Klonopin and Xanax --

24 A. Yes.

25 Q. -- and pills that he was getting from someone else, like a

1 friend of his?

2 **A.** Yeah.

3 **Q.** So he got drugs from more than one source?

4 **A.** Yes.

5 **Q.** All right. And you don't know for sure what source he got
6 the drugs from that he gave you to inject, do you?

7 **A.** No, I couldn't say.

8 **MR. TRAINOR:** Thank you. No further questions.

9 **THE COURT:** Any redirect?

10 **MS. PERRY:** No, Your Honor.

11 Thank you.

12 **THE COURT:** Okay. Thank you very much, Ms. Robinson.

13 You can be excused.

14 (Witness excused.)

15 **THE COURT:** Does the Government have another witness?

16 **MS. HOFFMAN:** The Government calls Troy Dannenfelser.

17 **THE CLERK:** Please raise your right hand.

18 SPECIAL AGENT TROY DANNENFELSER, GOVERNMENT'S WITNESS,
19 SWORN.

20 **THE CLERK:** Please speak directly into the microphone.

21 State and spell your full name for the record, please.

22 **THE WITNESS:** Sure. My name is Troy Dannenfelser.

23 Last name is D-A-N-N-E-N-F-E-L-S-E-R.

24 **THE CLERK:** Troy, T-R-O-Y?

25 **THE WITNESS:** Yes, ma'am.

~~DANNENFELSER~~ - DIRECT

THE CLERK: Thank you.

THE WITNESS: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good morning, Agent Dannenfelser.

A. Good morning.

Q. Where do you work?

A. For the Bureau of Alcohol, Tobacco, Firearms & Explosives.

Q. And what's your title?

A. I'm a supervisory Special Agent.

Q. How long have you worked for ATF?

A. 16 years.

Q. As part of your duties as a Special Agent for the ATF,
were you asked to assist with a -- the execution of a
search warrant in the fall of 2016?

A. I was.

Q. And I want to direct your attention to September 27th of
2016 in particular.

A. Okay.

Q. Was that the day the search warrant was executed?

A. It was.

Q. And where was the search warrant executed?

A. At 32 Stockmill Road, Apartment E.

Q. Who was the subject of the search warrant?

A. Mr. Deleon.

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1 Q. And did he have any nicknames?

2 A. Murda.

3 Q. I'm going to show you Government's Exhibit IND-20.

4 Who is that?

5 A. That's Mr. Deleon, the sus -- the target of that
6 search warrant.

7 Q. Approximately what time did you execute the
8 search warrant, if you recall?

9 A. It would have been 6:00 a.m.

10 Q. And were you -- who, if anyone, was located in the house?

11 A. Mr. Deleon, a female, and a small child.

12 Q. What was your role in this search warrant?

13 A. I was the team leader for this search warrant.

14 Q. And what does that mean exactly?

15 A. I was responsible for the oversight for the collection of
16 evidence, processing, Mirandizing occupants of the residence,
17 and any interviews that were to be conducted.

18 Q. And did you recover items of evidence from the residence?

19 A. We did.

20 Q. Can you give me an overview of what you recovered.

21 A. Cell phones, currency, a quantity of marijuana, packaging
22 material for distribution, some photographs, and a large banner
23 or flag for the gang.

24 Q. And do you recall the approximate quantity of marijuana
25 that was recovered? And if -- actually, Agent Dannenfelser, if

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1 that's your -- did you record what happened that day in a
2 report?

3 A. I did.

4 Q. And would it refresh your recollection to refer to your
5 report?

6 A. Yes, please.

7 Q. Go ahead and then let me know if that refreshes your
8 recollection.

9 A. Okay. We don't have the weight on at the time because
10 that would have been done at Baltimore City evidence for the
11 laboratory. But it was a large bag that was in a safe in the
12 bedroom, as well as some smaller bags on top of the safe
13 containing marijuana and bags in a void space under a steering
14 wheel of a vehicle that was outside of the residence.

15 Q. Were there photographs taken of the -- and if you could
16 put the report aside just to --

17 A. (Witness complies.)

18 Q. Were there photographs taken during the search warrant?

19 A. Yes.

20 Q. I'm going to show you some photographs, starting with
21 Government's Exhibit SW-7-F.

22 What are we looking at here?

23 A. So on the right side of that picture is the safe that was
24 in the closet in the master bedroom. The Ziploc baggie inside
25 the safe is the larger quantity of marijuana I referred to just

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1 now.

2 Above it you'll see sandwich baggies, and there's some
3 more in the left side also on the top shelf.

4 Q. And I'm going to approach and show you
5 Government's Exhibit D-22.

6 A. Okay.

7 Q. (Hanging.)

8 Can you tell us what you're looking at there.

9 A. This is the marijuana that you see in that photograph
10 there (indicating).

11 Q. I'm going to show you Government's Exhibit SW-7-G.

12 A. Okay.

13 Q. What are we looking at here?

14 A. That was the currency also mentioned that was beneath the
15 marijuana in that safe in that closet.

16 Q. And SW-7-H.

17 What are we looking at here?

18 A. Same closet. To the left of the safe, more currency that
19 was on the shelf that was also seized and reported.

20 Q. And SW-7-I.

21 What are we looking at here?

22 A. Again, you can barely -- the safe is to the right of that
23 screen and then more of the sandwich bags and packaging
24 material.

25 Q. I'm going to show you Government's Exhibit -- well, you

1 mentioned that you recovered cell phones during the
2 search warrant?

3 A. We did.

4 Q. I'm going to show you Government's Exhibit SW-7-L.

5 A. Okay.

6 Q. And what are we looking at here?

7 A. There's a -- this plastic drawer also in the bedroom,
8 there's a cell phone in that bottom drawer, which is what we're
9 depicting in that photograph.

10 Q. And I'll show you SW-7-M.

11 What are we looking at here?

12 A. A close-up picture, bottom of that photograph is the
13 LG cell phone that we recovered and reported on.

14 Q. And I'm going to approach and show you
15 Government's Exhibit CELL-4.

16 A. Okay.

17 Q. (Handing.)

18 What are you looking at there?

19 A. This is the cell phone that's depicted in that photograph.

20 Q. And I believe you testified earlier that you recovered
21 multiple cell phones.

22 A. Yes.

23 Q. I'm going to show you Government's Exhibit SW-7-N.

24 What are we looking at here?

25 A. Sure. This is also the gang banner that I referred to

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1 that was also seized during the search warrant.

2 Q. And, for the record, would you mind reading what the
3 banner says.

4 A. Across the top it says "Mookie, MIP."

5 And then at the bottom "MMP."

6 Q. And I'm going to approach and show you
7 Government's Exhibit SW-7-Z.

8 And I'm also going to show you SW-7-AA.

9 A. Okay.

10 Q. (Hanging.)

11 And can you tell us what you're looking at, first, in
12 Government's Exhibit SW-7-Z.

13 A. SW-7-Z is this banner that you see in the photograph. I
14 can open it up if you'd like to see it, but it's quite large.

15 (Displaying banner to jury.)

16 BY MS. HOFFMAN:

17 Q. Thank you.

18 A. You're welcome.

19 Q. And when you're ready, could you tell us what is in
20 SW-7-AA.

21 A. That's a mass card for Mr. Maurice Braham (indicating).

22 Q. Now, you mentioned that you recovered
23 Government's Exhibit CELL-4, the cell phone you just referred
24 to.

25 Was that cell phone turned over to another law enforcement

1 officer for a search warrant to be executed on it?

2 A. It was.

3 Q. Did you search any vehicles at the residence?

4 A. We did; two vehicles.

5 Q. And I'm going to show you Government's Exhibit SW-7-O.

6 What are we looking at there?

7 A. This is one of the vehicles that we searched. It's a
8 black BMW.

9 Q. Did you recover any items of evidence from the BMW?

10 A. We did.

11 Q. Can you give us an overview of what you found.

12 A. May I refer to my report for that one?

13 Q. Sure. Would it refresh your recollection?

14 A. It would. Thank you.

15 So as I previously mentioned, that was the three smaller
16 bags of marijuana under a void space in the steering wheel, a
17 stun gun, and miscellaneous letters and then this flier
18 (indicating).

19 Q. I'm going to show you Government's Exhibit SW-7-P.

20 What are we looking at here?

21 A. This is the steering wheel area, and you might be able to
22 make out in the photograph the plastic baggie that's sticking
23 out from beneath the steering column.

24 Q. And SW-7-Q.

25 What are we looking at there?

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1 **A.** Same photo, closer up of the baggie.

2 **Q.** SW-7-R.

3 **A.** That is the baggie once it had been removed from the
4 steering column.

5 **Q.** SW-7-V?

6 **A.** The stun gun.

7 **Q.** SW-7-W?

8 **A.** The driver -- the vehicle registration for that vehicle to
9 Mr. Deleon, who was the target of that location.

10 **Q.** I'm going to show you SW-7-S.

11 What are we looking at here?

12 **A.** That's where we found more of the documents as mentioned
13 in the report.

14 **Q.** And I'm going to show you SW-7-T.

15 What are we looking at there?

16 **A.** This was mail that we found inside of the vehicle as well.

17 **Q.** And can you read the address on there.

18 **A.** The ship-to address was 3130 Howard Park Avenue,
19 Baltimore, Maryland 21207.

20 **Q.** And what's the name above that?

21 **A.** Looks like "Devon Dentist" is what they have written
22 there.

23 **Q.** And I'd like to show you Government's Exhibit MISC-11.

24 **MR. SARDELLI:** Your Honor, may we approach?

25 **THE COURT:** Sure.

1 (Bench conference on the record:

2 **MR. SARDELLI:** The Government told me they'd give me a
3 heads-up before this came in. I think it was newly identified
4 as an exhibit, Your Honor, so I would object as a late
5 disclosure.

6 Also, I'm not sure what relevance it has in the case.
7 It's a prison letter from Devon Dent, I believe.

8 **MS. HOFFMAN:** So we did not notice it as an exhibit.
9 That is my fault. It was turned over in discovery a long time
10 ago.

11 But it corresponds to the -- it basically is the
12 inside of the photo that we just saw, the mail. And the reason
13 that it's relevant is that the sender is Devon Dent, and he
14 actually spells out his name and his SID number and where he
15 is.

16 And he requests that Ayinde Deleon, who he's writing
17 to, help smuggle drugs in to him, into the jail for him. He
18 uses coded language and explains how to package the -- what he
19 refers to as strippers, which he's referring to as Suboxone
20 strips.

21 And there are some corresponding jail calls in which
22 they discuss the smuggling of drugs into jail.

23 These are co-conspirators. They are indicted
24 co-conspirators. And it is part of the theory of our case that
25 the conspiracy continued when members of the gang went to jail

1 and that members on the street, it was an obligation of theirs
2 to help members of the gang who were incarcerated by, among
3 other ways, smuggling drugs into the jail for them.

4 And so we believe that this -- this letter and the
5 corresponding calls help prove that method and means of the
6 racketeering conspiracy.

7 **MR. SARDELLI:** I would argue --

8 **THE COURT:** Is there anything specifically relating,
9 just curious, to your client.

10 **MR. SARDELLI:** I don't believe so, Your Honor, but
11 they're going to be trying to tie in Devon Dent through the
12 cooperator. I anticipate he will come up through the
13 cooperating witness who's going to be coming up, Your Honor.

14 So my guess is that they're wanting to highlight
15 Devon Dent now because he's going to come up with a later
16 cooperating witness. I believe he will be testified about with
17 the cooperating witness.

18 And so I don't -- I'm not sure how this is relevant to
19 anybody that's on trial now, Your Honor. And I'm also not sure
20 they've established that it's in furtherance of the conspiracy
21 after a member is out of the conspiracy. This seems like he
22 wants drugs to use drugs.

23 So I'm not sure how this is in furtherance of the
24 conspiracy related to MMP. I'm not sure they established that.

25 **THE COURT:** Okay. Well, I think it was,

1 unfortunately, not on the exhibit list, is what I'm hearing.
2 So I'm going to have to look at it in the context of whether
3 some additional time is necessary to respond to it, whether it
4 should not be admitted because it wasn't on the exhibit list.
5 I don't know.

6 But I think that we can reserve -- if, after further
7 conversation, I decide that it's admissible, can we all just
8 agree that it was just included in this envelope and, rather
9 than re-calling the witness to say that or -- or we could have
10 him identify it but not publish it and leave for another day
11 the question of whether it's admissible.

12 **MR. SARDELLI:** I believe he's a local witness,
13 Your Honor, so it shouldn't be an issue if you had to re-call
14 him --

15 **THE COURT:** No. But it's silly to call him back just
16 for --

17 **MR. SARDELLI:** And I don't -- no offense, but I'm not
18 even sure this is really a key element anyways. I'm bringing
19 it up because I think it's going to hurt, possibly hurt my guy
20 with another witness. But obviously, this is probably overkill
21 by the Government. I'm not sure this is even necessary at this
22 point.

23 **THE COURT:** All right. Have him identify it, don't
24 publish it yet, and let me look at it.

25 **MS. HOFFMAN:** Sure. And I do --

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1 **THE COURT:** Obviously, Mr. -- there's plenty of
2 evidence about Mr. Dent that is likely to be admissible, but --

3 **MS. HOFFMAN:** Yes, and he will come up later today.

4 I did want to play some jail calls that are tied to
5 this. Should we just skip that?

6 We did disclose it last night, and I apologize that it
7 wasn't on our exhibit list. I do think that Mr. Sardelli has
8 had a chance to review it and note his objection, so I guess we
9 would ask --

10 **THE COURT:** I'm not letting it in this minute. I'm
11 not excluding it, but I need time to look at it. I need time
12 to hear about it. You can have the choice. You can reserve
13 and you can -- if you prefer to re-call the witness, you can do
14 that. Otherwise, you can have it the same, marked for
15 identification without showing it to the jury.

16 **MR. SARDELLI:** Thank you, ma'am.

17 **MS. HOFFMAN:** Thank you.)

18 (Bench conference concluded.)

19 **BY MS. HOFFMAN:**

20 **Q.** Agent Dannenfelser, I'm going to approach and show you
21 what's been marked for identification only as
22 Government's Exhibit MISC-11.

23 **A.** Okay.

24 **Q.** (Hanging.)

25 And without reading from it, can you just give us a

1 general description of what this is or where it came from.

2 **THE COURT:** Where it came from.

3 **BY MS. HOFFMAN:**

4 **Q.** Where it came from.

5 **A.** Sure. This was also recovered during this overall
6 search warrant operation.

7 **Q.** And where was it recovered?

8 **A.** This would have been in the vehicle.

9 **Q.** And where in the vehicle?

10 **A.** In this envelope that is on the screen now.

11 **Q.** You mentioned that Government's Exhibit CELL-4 was
12 submitted for a search warrant to be conducted. And I want to
13 show you Government's Exhibit CELL-4-A, which has been
14 identified as excerpts from the certified extraction report for
15 Government's Exhibit CELL-4.

16 **A.** Okay.

17 **Q.** And just to be clear, did you have any role in putting
18 together these excerpts?

19 **A.** I did not.

20 **Q.** You just recovered the phone?

21 **A.** I did.

22 **Q.** I'm going to direct your attention to the selected
23 contacts at the top.

24 Would you mind just reading that list of contacts.

25 **A.** Sure. The contacts as stored by the user in this phone

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1 were Bitch Teck, Mookie, Pee Wee, Sand, Sheisty, Teck Bitch,
2 and Tone.

3 Q. And this document is only ten pages long, just in case
4 anyone's worried.

5 But I am going to direct your attention to a few
6 text messages.

7 Here on the first page, do you see that there are a few
8 references here to Murda?

9 A. Yes.

10 Q. And then do you see the reference in number 568 to
11 Marc Deleon?

12 A. Yes.

13 Q. Turning to the next page, do you see that there's a text,
14 a series of text messages with a contact saved as Phil right
15 here?

16 A. Yes.

17 Q. And could you just read those text messages.

18 A. So Phil sends to this cell phone message [reading]: What
19 you got?

20 The response is [reading]: Dream.

21 And then Phil asks [reading]: Can I get 2 ounces.

22 Q. Next page, do you see this text message here from a number
23 ending in 1171?

24 A. I do.

25 Q. And could you read that text message.

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1 **A.** So that person sent a message to this phone that says
2 [reading]: Quick call Mookie or ty nd. Tell them a nigga
3 lurking in the alley by the gas station masked up.

4 **Q.** And do you see that there are some text messages, two
5 text messages here to Sand?

6 **A.** Yes.

7 **Q.** And can you read those text messages for us.

8 **A.** So from this phone, a message was sent [reading]: Dummy,
9 this is m. Call me ASAP.

10 And then follows up with [reading]: Bring that red belt
11 out, bitch.

12 **Q.** And then directing your attention here to the
13 text messages exchanged with Bitch Teck, would you mind reading
14 those text messages.

15 **A.** So that individual, Teck, says [reading]: Hey, Teck said,
16 What's Dirt' number?

17 And then this -- from this phone, the reply was [reading]:
18 Sand and that number, (443) 613-8760.

19 **Q.** And going to the next page, do you see the text messages
20 exchanged here with a number ending in 8801?

21 **A.** Yes.

22 **Q.** Would you mind reading those text messages.

23 **A.** So 8801, that number sends a message that says [reading]:
24 This Tiffany. You got Tone number?

25 Our phone says [reading]: Hold tight.

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1 The sender then says [reading]: Why you say that?

2 This phone replies [reading]: I gotta find him.

3 The sender says [reading]: He at work with Gutta. Trying
4 to see what went on.

5 Q. And I'm going to scroll down to Page 6. And do you see
6 the text messages here with the contact Mookie?

7 A. I do.

8 Q. Can you read those text messages.

9 A. So Mookie sends a message [reading]: WYA, where you at?

10 This phone replies back [reading]: Up top.

11 And then says [reading]: Here I come.

12 Q. And would you mind reading the phone number for Mookie.

13 A. Sure. It's listed as (443) 804-0086.

14 Q. And then I just want to direct your attention here to
15 these two messages exchanged with contact Kane. Would you mind
16 reading those.

17 A. Sure. So the individual Kane sends a message [reading]:
18 My bad everything straight. I'ma need 20 more girls, please.

19 From this phone, the message reply is [reading]: You
20 rolling, ain't you? Give me a while.

21 Q. Going to Page 9, do you see that there are text messages
22 exchanged with a contact saved as Pee Wee?

23 A. Yes.

24 Q. And would you mind reading those text messages.

25 A. So this phone, what we see here, he writes [reading]: Hit

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1 me if Sand get back and see if anybody needs some grass before
2 I dip.

3 Follows up with [reading]: All righty. Tell him come up
4 the Windsor real quick.

5 Then Pee Wee writes back [reading]: Who, Sand or
6 Big Dummy?

7 This phone writes back [reading]: Sand.

8 Pee Wee responds [reading]: Rd.

9 This phone [reading]: Tone say he not down there?

10 Pee Wee responds [reading]: I ain't say he was. I'ma
11 tell them, though.

12 This phone we have [reading]: If he not there now, just
13 tell him hit me when he get 'round 'cause I'm ready to dip.
14 Heartbeat.

15 And then [reading]: Be safe.

16 Pee Wee replies back [reading]: Rd 2 times.

17 From this phone [reading]: Last thing, you gonna run
18 these 7 joints through tonight for me.

19 **MS. HOFFMAN:** Thank you, Agent Dannenfelser. I don't
20 have any more questions for you.

21 **THE WITNESS:** Thank you, ma'am.

22 **MS. WHALEN:** No questions, Your Honor.

23 **THE COURT:** Anyone have any questions?

24 (No response.)

25 **THE COURT:** Okay. It appears that you're finished for

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1 now.

2 **THE WITNESS:** Thank you, ma'am.

3 **THE COURT:** Thank you. You're excused.

4 (Witness excused.)

5 **THE COURT:** And does the Government have another short
6 witness or someone we could appropriately get started on?

7 **MS. PERRY:** Yes, Your Honor, the Government calls
8 Michael Pratt.

9 **THE CLERK:** Please raise your right hand.

10 MICHAEL PRATT, GOVERNMENT'S WITNESS, SWORN.

11 **THE CLERK:** Please be seated.

12 Please speak directly into the microphone.

13 State and spell your full name for the record, please.

14 **THE WITNESS:** Michael Pratt, P-R-A-T-T.

15 **THE CLERK:** M-I-C-H-A-E-L?

16 **THE WITNESS:** Yes.

17 **THE CLERK:** Thank you.

18 DIRECT EXAMINATION

19 **BY MS. PERRY:**

20 **Q.** Good morning.

21 **A.** Good morning.

22 **Q.** Where are you currently working?

23 **A.** I'm currently working here at the Federal Courthouse.

24 **Q.** And what are you doing here at the Federal Courthouse?

25 **A.** I am a court security officer.

~~PRATT - DIRECT~~

1 Q. Where were you employed before you became a court security
2 officer?

3 A. I was employed with the Baltimore City Police Department
4 for 32 years.

5 Q. And were you with the Baltimore City Police Department
6 around 2016?

7 A. Yes, I was.

8 Q. And what was your assignment with the Baltimore City
9 Police Department in 2016?

10 A. I was assigned with the Alcohol, Tobacco, Firearms &
11 Explosives task force unit.

12 Q. How long were you a task force officer with the ATF?

13 A. For 12 years.

14 Q. Now, I want to direct your attention to September 27th of
15 2016. Did you assist with the execution of a search warrant on
16 that day?

17 A. Yes, I did.

18 Q. What was the -- where was the search warrant executed?

19 A. 225 South Herring Court in Baltimore City, state of
20 Maryland.

21 Q. And who was the subject of that search warrant?

22 A. Dwight Jenkins, a/k/a Huggie.

23 Q. I'm going to show you Government's Exhibit IND-50.

24 Do you recognize the person on the screen?

25 A. Dwight Jenkins.

~~PRATT - DIRECT~~

1 Q. Approximately what time was the search warrant executed on
2 September 27th?

3 A. 6:02 a.m.

4 Q. And when you entered the residence, who was inside?

5 A. Mr. Jenkins; his girlfriend, Ms. Sierra Manuel; and two
6 children.

7 Q. Was the residence searched?

8 A. Yes, it was.

9 Q. Were any other locations searched during this time?

10 A. Yes; his vehicle.

11 Q. And what, if anything, was recovered from inside the
12 residence?

13 A. There was a small amount of cocaine, bulletproof vest,
14 ammunition, bullets, packaging material, drug paraphernalia, an
15 iPhone, and a Maryland driver's license and photos.

16 Q. Now, you said an iPhone. Are you sure it was an iPhone
17 that was recovered?

18 A. Let me see.

19 I'm sorry. It was a white smartphone.

20 Q. Were photos taken of the residence and the items
21 recovered?

22 A. Yes, they were.

23 Q. I'm going to show you Government's Exhibit SW-13-A.

24 Who are we looking at here?

25 A. Mr. Jenkins.

~~PRATT - DIRECT~~

1 Q. And turning to SW-13-B, what are we looking at here?

2 A. You're looking at the -- that's cocaine in a black plastic
3 wrapping.

4 Q. Turning to SW-13-C, what are we looking at here?

5 A. That's a black -- I would say a sports bag.

6 Q. And was that sports bag searched during the course of the
7 search warrant?

8 A. Yes, it was.

9 Q. So turning to SW-13-D, what are we looking at here?

10 A. That's the items that were in the black bag. You have a
11 empty gun case. You have a bulletproof vest, and you have
12 several containers of ammunition.

13 Q. Turning to SW-13-E.

14 Now, what are we looking at here?

15 A. Those items were recovered from Mr. Jenkins' jean front
16 pocket. I recovered that Maryland driver's license in
17 Mr. Jenkins' name and the smartphone with the cracked screen.

18 Q. Turning to SW-13-F.

19 What are we looking at here?

20 A. We have a digital scale and some packaging material.

21 Q. And SW-13-G.

22 What are we looking at here?

23 A. We have a safe with some packaging materials and some
24 envelopes.

25 Q. SW-13-H.

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1 **A.** A safe with some photographs and documents.

2 **Q.** And finally -- and, sorry, and finally, SW-13-I.

3 And what is this?

4 **A.** That's Mr. Jenkins' vehicle parked outside on the parking
5 lot.

6 **Q.** Now, I want to show you, first, what we've marked as
7 Government's Exhibit F-32.

8 (Handing.)

9 Do you recognize this exhibit?

10 **A.** Those -- this is the ammunition that was recovered from
11 225 South Herring Court during the search warrant.

12 **Q.** And now showing you Government's Exhibit CELL-9.

13 (Handing.)

14 **A.** This is the smartphone that was recovered from
15 Mr. Jenkins' front pants pocket.

16 **Q.** And was this cell phone provided to other ATF agents so
17 that a search warrant and a search of the phone could be
18 conducted?

19 **A.** Yes, it was.

20 **Q.** So I want to show you Government's Exhibit CELL-9-A, which
21 has come into evidence as an extract from a phone. And just to
22 be clear, did you have any role in creating the excerpt that's
23 in front of you?

24 **A.** No, I did not.

25 **Q.** But have you had a chance to look at it before coming to

~~PRATT - CROSS~~

1 court?

2 **A.** Yes.

3 **Q.** So looking at CELL-9-A, can you just tell us up here what
4 the phone number for CELL-9-A is -- for CELL-9 is.

5 **A.** (443) 301-8819.

6 **Q.** And can you just tell us the e-mail addresses that were --
7 that are listed here.

8 **A.** Dwight.jenkins.73@facebook.com. Also dwighttwo@gmail.com.

9 **Q.** And do you see the three contacts listed here?

10 **A.** Yes, I do.

11 **Q.** Can you just tell us the names and the phone numbers
12 associated with these contacts.

13 **A.** The first one is Cid 5200; the number, (443) 640-8950.

14 Second one, Cream, (667) 228-4194.

15 Third one, Trouble5200, (443) 600-0131.

16 **Q.** Thank you.

17 **MS. PERRY:** Nothing further.

18 **THE COURT:** Thank you.

19 Any questions?

20 **MR. HAZLEHURST:** Your Honor, if I may.

21 **THE COURT:** Mr. Hazlehurst, sure.

22 CROSS-EXAMINATION

23 **BY MR. HAZLEHURST:**

24 **Q.** Good morning, sir.

25 **A.** Good morning.

~~PRATT - CROSS~~

1 Q. My name's Paul Hazlehurst. I represent Shakeen Davis.

2 Again, you've testified in response to the Government
3 counsel's questions that you helped execute a search warrant;
4 correct?

5 A. That's correct.

6 Q. And as part of executing that search warrant, you
7 recovered certain items?

8 A. Yes, sir.

9 Q. And one of those items was a cell phone?

10 A. Yes, sir.

11 Q. And as you've testified, you turned over that cell phone
12 to another agency to examine that cell phone; correct?

13 A. The ATF. It was not turned over to another agency. I was
14 detailed working with ATF, and I turned it over to --

15 Q. To one of your compatriots in ATF?

16 A. That's correct.

17 Q. To execute a search warrant on that cell phone; correct?

18 A. I did not, but someone did, yes.

19 Q. In ATF?

20 A. I believe so, yes.

21 Q. Right.

22 And the result of that examination was contained in an
23 exhibit that was identified as CELL-9-A; correct?

24 A. If it was the item that was just shown to me, yes.

25 Q. That piece of paper -- it changes every time. There we

~~PRATT - CROSS~~

1 go.

2 The item you were just shown, is that the item that you
3 were just shown, sir?

4 A. Yes.

5 Q. And you were asked questions in particular identifying the
6 number that applied to that phone, which was (443) 301-8819;
7 correct?

8 A. Yes.

9 Q. Okay. And you were also asked questions in regard to
10 selected contacts; is that correct?

11 A. Yes, sir.

12 Q. Now, again, you didn't have any hand in preparing this
13 particular exhibit, did you?

14 A. No, sir.

15 Q. And you didn't do the examination of that cell phone;
16 correct?

17 A. No, sir.

18 Q. But that cell phone was turned over by you to someone else
19 in ATF to examine that cell phone and determine if there was
20 any pertinent information on that cell phone; correct?

21 A. Correct.

22 Q. And, again, you were asked to identify particularly these
23 selected contacts. And one of those contacts -- and I'm
24 pointing to it now -- was for Cream; correct?

25 A. Correct.

~~PRATT - CROSS~~

1 Q. The number is (667) 228-4194; correct?

2 A. Correct.

3 Q. And, again, to your knowledge, that cell phone was
4 examined thoroughly?

5 A. I have no idea. It was -- it was turned over. A
6 search warrant was written for it. And the items that is shown
7 is what appears.

8 Q. You would expect, though, that if you turn it over to
9 someone else in the ATF, they would do a thorough examination
10 of that cell phone; correct?

11 A. Sure. Yes.

12 Q. Certainly. And if there were any pertinent evidence that
13 would be contained in this excerpt; correct?

14 A. Yes.

15 Q. And there is no record of any calls or texts to that
16 particular number, (667) 228-4194, is there?

17 A. Not that I see here. Yes.

18 Q. And to your knowledge, no texts or calls; correct?

19 A. Not that I have any knowledge.

20 MR. HAZLEHURST: No further questions, Your Honor.

21 THE COURT: Anyone else?

22 MR. DAVIS: No questions.

23 THE COURT: Any redirect?

24 MS. PERRY: No, Your Honor. Thank you.

25 THE COURT: Okay. Thank you very much, sir. You are

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1 excused.

2 (Witness excused.)

3 **THE COURT:** All right. And I think this might be a
4 good time for the mid-morning recess.

5 So I will be excusing the jury at this point.

6 (Jury left the courtroom at 12:02 p.m.)

7 **THE COURT:** Okay. Perhaps we could talk a little more
8 about Mr. Ferguson.

9 **MS. HOFFMAN:** Sure.

10 **THE COURT:** And I've looked at the grand jury. Let me
11 be sure I understand exactly, Mr. Sardelli, what you're
12 objecting to. Is it the -- there's an indication in -- sort of
13 starts at Page 17 and goes into Page 18 where he claims that
14 your client put a hit on him for \$10,000, and he knew about
15 that through his cousin. Is that --

16 **MR. SARDELLI:** Yes, Your Honor. I would have a couple
17 different objections to that.

18 One, it appears to be hearsay. I know they're saying
19 there's another source now, but that source would appear to be
20 someone that's not part of the gang or whatever it is. So I'm
21 not sure how that would be a statement in furtherance of the
22 conspiracy or some other type of hearsay exception, Your Honor.

23 Also, this all has to do -- and they put the banner up
24 there recently about Mookie and his funeral, and I don't think
25 there's any evidence that this is part of a conspiracy at all.

1 It seems equally likely to me that this was about an
2 individual grudge or vendetta about someone that killed
3 someone's cousin.

4 And, also, there's other evidence in there about
5 dealing directly with my client, and I don't think there's any
6 evidence that that was done on behalf of the MMP or somewhere
7 [sic] else.

8 So my objection is hearsay, and I'm having a hard time
9 understanding how it's in furtherance of the conspiracy and not
10 either a personal grudge or an individual deal that he had.

11 **THE COURT:** Well, and let me hear from the Government,
12 because I don't want to get the two things confused here.

13 This grand jury testimony also talks about Mr. Braham,
14 Mookie, who's killed. And we've already heard, I think seen
15 photographs. This is the funeral in May of 2016. According to
16 the evidence, Mr. Bailey was there. There was the banner that
17 we've just heard about again that was found in a
18 co-conspirator's house.

19 And there is some indication that your client was not
20 happy about that. That's a little bit different to me, or
21 perhaps that's what I need to hear about the hit, allegedly.

22 So let me hear from the Government, first, and then
23 you can respond.

24 How does this all fit together? What are you
25 offering?

1 **MS. HOFFMAN:** Sure. And I think we've heard a bit
2 about it from William Banks.

3 There was this -- there were a couple of murders in
4 April of 2016 that sparked a violent feud between MMP and a
5 rival gang.

6 **THE COURT:** Right.

7 **MS. HOFFMAN:** And the witness who will be testifying
8 this afternoon, Mr. Ferguson, is a member of that rival gang,
9 and so he will testify about that violent feud.

10 As Your Honor pointed out, there has been evidence, I
11 think through multiple witnesses now, that Mookie was a member
12 of MMP and that his killing sparked retaliatory violence.

13 Mr. Banks, of course, testified about the murder of
14 Anthony Hornes; or he didn't know the person's name, but the
15 murder that happened right after Mookie's death on
16 Haddon Avenue. He testified that he was driving in a car with
17 Gutta and T-Roy when Gutta shot somebody in retaliation for
18 Mookie's murder.

19 And so it's certainly all part of the racketeering
20 conspiracy.

21 The -- yes, and my co-counsel is pointing out that
22 Mr. Banks also testified that after Mookie's death, members of
23 the gang got together and actually formed plans and go and
24 retaliate.

25 The hit -- so Mr. Ferguson was a member of the rival

1 gang. He will testify that he was suspected of having
2 something to do with Mookie's death and that as a result -- as
3 a direct result of that, he learned that he had money on his
4 head; that Antonio Walker-Bey -- he learned it from multiple
5 sources, but he did also learn it from Antonio Walker-Bey,
6 Tone, who told him, you know, We think you got something to do
7 with that, and you've got money on your head from Dirt
8 (indicating).

9 And so we do think that, of course, that's relevant,
10 admissible evidence and that it's part and parcel of the
11 racketeering conspiracy here to retaliate against someone who's
12 suspected of killing a fellow gang member.

13 And we don't think that it's -- I didn't intend to
14 elicit the statement by the cousin. But I did intend to elicit
15 what he had heard from Tone, who has been established to be a
16 member of the Bloods and an affiliate of the defendants.

17 **THE COURT:** Okay. So assuming we keep out the cousin,
18 Mr. Sardelli, what's . . .

19 **MR. SARDELLI:** Well, again, Your Honor, I guess I was
20 making two objections. You are correct, Your Honor. I was
21 making it whether it's in furtherance of the conspiracy and
22 other -- you know, the hearsay issues as well, Your Honor. I
23 guess they're technically connected, Your Honor.

24 But, again, I don't -- I think the witness would have
25 to establish how it's in furtherance of the conspiracy, because

1 if there is a murder and it's a family issue, Your Honor, I
2 don't see this as being in furtherance of the conspiracy,
3 Your Honor, because I think the allegation will be that this
4 has to do with the fact that he's related, allegedly, to my
5 client. They're cousins, allegedly. I think if that's the
6 issue, Your Honor, then that's not in furtherance of the
7 conspiracy.

8 And I guess the main thing I would ask for is,
9 obviously, I'm asking it to be excluded, first of all, but also
10 that when they're on direct examination that we don't put the
11 cart before the horse; that they lay the foundation and how he
12 knows and everything first before the answer comes out and then
13 we object. But -- if it's objectionable at that point, it's
14 too late.

15 So I guess my argument is two points: one to keep it
16 out; and, two, if we're going to see how it goes, making sure
17 that they're laying a foundation about if it is a hearsay
18 statement, to clearly identify: Is it a statement of a
19 party-opponent? Is it a statement in furtherance of a
20 conspiracy? Or is it some third, impermissible form, because I
21 did flag that issue from the grand jury transcript, Your Honor,
22 relating to the cousin.

23 **THE COURT:** Sure. And I appreciate that. And
24 certainly I think you're right about the cousin. And I
25 wouldn't expect that to come in.

1 I do think that the issue of retaliation for Mookie's
2 murder is clearly part of the case as alleged, and that as long
3 as it's coming in from a person such as Tone, who I believe the
4 jury could legitimately find is part of the alleged conspiracy,
5 that's a different issue.

6 I don't think this is purely family. I think there's
7 plenty of evidence in the case already that establishes it's
8 more than a family matter.

9 **MR. SARDELLI:** Sure. I would respectfully disagree
10 with that, but definitely we need to see what the witness
11 actually says is his basis of knowledge as well, Your Honor,
12 before they get to the statements.

13 **THE COURT:** Okay. All right. Is Mr. Ferguson the
14 next witness?

15 **MS. HOFFMAN:** He is, Your Honor.

16 **THE COURT:** Okay. All right. We'll excuse the
17 gallery.

18 (Pause.)

19 **THE COURT:** All right. We'll take a short break.

20 (Recess taken.)

21 **THE COURT:** All right. A quick scheduling question,
22 thinking about next week, Monday. Since we only have a half
23 day, would people be able to start at 9:30?

24 **MS. HOFFMAN:** Yes.

25 **THE COURT:** All right. I will mention that to the

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jury.

And I do not know about Thursday. I don't think I'll know until probably Monday or Tuesday.

Okay. You can get the jury.

(Jury entered the courtroom at 12:30 p.m.)

THE CLERK: Please stand, sir.

THE COURT: The Government is calling another witness.

MS. HOFFMAN: Mr. Ferguson, if you could take a step back. You're just leaning into the mic a little bit.

THE CLERK: Please raise your right hand.

DEVIN FERGUSON, GOVERNMENT'S WITNESS, SWORN.

THE CLERK: Please be seated.

Please speak directly into the microphone.

State and spell your full name for the record, please.

THE WITNESS: Devin Ferguson, D-E-V-I-N,
F-E-R-G-U-S-O-N.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Good afternoon, Mr. Ferguson.

A. Good afternoon.

Q. Do you go by any other names on the street?

A. Chynaman.

Q. Are you currently incarcerated?

A. Yes.

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1 Q. And what offense were you convicted of?

2 A. Robbery with a deadly weapon.

3 Q. I'm sorry. What did you say?

4 A. You said offense right now?

5 Q. What offense were you convicted of?

6 A. Possession of a firearm while being a convicted felon.

7 Q. And when were you arrested for that offense?

8 A. August 2nd, 2016.

9 Q. After your arrest, did you decide to cooperate with the
10 Government?

11 A. Yes.

12 Q. And did you testify before a federal grand jury?

13 A. Yes.

14 Q. Was that in August of 2016?

15 A. Yes.

16 Q. Did you ultimately plead guilty to being a felon in
17 possession of a firearm?

18 A. Yes.

19 Q. And did you plead guilty pursuant to a cooperation
20 agreement with the Government?

21 A. Yes.

22 Q. Have you been sentenced yet?

23 A. No.

24 Q. What's your understanding of your agreement with the
25 Government?

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1 **A.** A reduced sentence and a relocation.

2 **Q.** And what are you required to do under the plea agreement?

3 **A.** Tell the truth.

4 **Q.** Did your arrest in August of 2016 result in you violating
5 your probation with respect to --

6 **MR. SARDELLI:** Objection; leading.

7 **THE COURT:** Sustained.

8 **BY MS. HOFFMAN:**

9 **Q.** Can you tell us, do you have pending state violation of
10 probation charges?

11 **A.** Yes.

12 **Q.** And are you hoping that as a result of your plea, that
13 those will be resolved favorably as well?

14 **A.** Yes.

15 **Q.** You mentioned that you're also hoping for relocation; is
16 that what you said?

17 **A.** Yes, that's --

18 **MR. SARDELLI:** Objection; leading.

19 **THE COURT:** Overruled.

20 **BY MS. HOFFMAN:**

21 **Q.** And why are you hoping for help with relocation?

22 **A.** My life in danger.

23 **THE COURT:** All right. Wait a minute. Wait a minute.
24 Wait a minute.

25 Do you want to approach the bench? Or can we just

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1 move on for now.

2 **BY MS. HOFFMAN:**

3 **Q.** What are you required to do under the terms of your plea
4 agreement?

5 **A.** Tell the truth.

6 **Q.** And what happens if you don't tell the truth?

7 **A.** I can be charged with perjury, and everything will be
8 taken away from me.

9 **Q.** Have you been promised a specific sentence?

10 **A.** No.

11 **Q.** And what's your understanding of what will happen if you
12 tell the truth today?

13 **A.** That I can possibly get a reduced sentence and get
14 everything that I was supposed to get.

15 **Q.** Who ultimately decides your sentence?

16 **A.** The judge.

17 **Q.** Have you been convicted of other crimes, Mr. Ferguson?

18 **A.** Yes.

19 **Q.** Can you tell us what crimes and at what ages.

20 **A.** 17, robbery with a deadly weapon. And 19, unauthorized
21 use of a vehicle.

22 **Q.** Are those the convictions that caused you to violate your
23 probation?

24 **A.** Yes.

25 **Q.** How old are you now?

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1 **A.** 26.

2 **Q.** And where are you from?

3 **A.** Baltimore, Maryland.

4 **Q.** Where in Baltimore are you from?

5 **A.** Northwest Baltimore, Liberty Heights and Gwynn Oak.

6 **Q.** Have you lived in that neighborhood your whole life?

7 **A.** Yes.

8 **Q.** At a certain point, did you join a gang?

9 **A.** Yes.

10 **Q.** And what gang did you join?

11 **A.** Black Guerilla Family.

12 **Q.** Was your gang involved in selling illegal drugs?

13 **A.** Yes.

14 **Q.** And where did your gang operate? Where did they sell
15 drugs?

16 **A.** Liberty Heights and Howard Park and Liberty Heights and
17 Garrison.

18 **Q.** Now, I want to show you Government's Exhibit MAP-39.

19 And do you see the red pin -- you should be able to see it
20 on the screen in front of you. Do you see the red pin located
21 at Liberty Heights and Garrison?

22 **A.** Yeah, I see it. Yes, I see it.

23 **Q.** And how far is that or where is that in relation to
24 Liberty Heights and Gwynn Oak?

25 **A.** About three blocks up the street.

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1 Q. Can you tell me who were some of the other members of your
2 drug organization.

3 MR. SARDELLI: Objection, Your Honor. They haven't
4 established a basis of knowledge, Your Honor.

5 THE COURT: I don't think we've talked about his drug
6 organization yet.

7 BY MS. HOFFMAN:

8 Q. Well, I believe you testified that your gang was involved
9 in selling drugs?

10 A. Yes.

11 Q. And can you tell us the -- some of the other people who
12 were involved in selling drugs with you.

13 A. Da-Rod, Ro-Ro, Dorian, and Supreme.

14 Q. Was there a rival gang that sold drugs in the area?

15 A. Yes.

16 Q. And what gang was that?

17 A. Mobbin' Bloods.

18 Q. You say Mobbin' Bloods?

19 A. Yeah.

20 Q. Is that what you knew them as?

21 A. Yeah.

22 Q. And what areas did the Mobbin' Bloods -- if I refer to
23 them as the mob, will you know what I'm talking about?

24 A. Yes.

25 Q. What area did the mob claim as its territory?

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1 **A.** Liberty Heights and Gwynn Oak.

2 **Q.** What was the relationship like between your gang, BGF, and
3 the mob in the Liberty Heights Gwynn Oak area?

4 **A.** We ain't get along.

5 **Q.** Did you learn a lot about the mob over the years?

6 **A.** Yes.

7 **Q.** Did you have -- did you know people who were in the mob?

8 **A.** Yes.

9 **Q.** Did you have any family members who were in the mob?

10 **A.** No.

11 **Q.** Did you have any family members who were Bloods?

12 **A.** Yes.

13 **Q.** Who was that?

14 **A.** My brother.

15 **Q.** Did you learn about the mob from him?

16 **A.** Yes.

17 **Q.** Did you know other people who were in the mob?

18 **A.** Yes.

19 **Q.** And can you tell us who.

20 **A.** Tech.

21 **MR. SARDELLI:** Objection, Your Honor. I don't think
22 she's still established a basis of knowledge yet, Your Honor.

23 **THE COURT:** Overruled. He can explain who and explain
24 as to each person.

25 **MS. HOFFMAN:** I'm sorry. I didn't hear, Your Honor.

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1 **THE COURT:** We need to explain how as to the people.

2 **MS. HOFFMAN:** Sure.

3 **BY MS. HOFFMAN:**

4 **Q.** Did you -- did you know on a personal level some people
5 who were in the mob?

6 **A.** Yes.

7 **Q.** And how did you know -- without telling me who they are,
8 how did you know them?

9 **A.** I went to school with some of 'em.

10 **Q.** And did you have -- did you grow up in foster care?

11 **A.** Yes.

12 **Q.** Did you have -- did you know one of them through foster
13 care?

14 **A.** Yes.

15 **Q.** Can you tell us who you knew in the mob.

16 **A.** Tone, Antonio Walker-Bey.

17 **Q.** Now, I'm going to show you Government's Exhibit IND-93.
18 Who is that?

19 **A.** That's Tone.

20 **Q.** And can you remind us again how you knew Tone.

21 **A.** I knew him. I grew up with him, went to school with him.
22 And plus we was in the same foster mom.

23 **Q.** Was there another member of the mob who you went to school
24 with?

25 **A.** Yeah. Tech.

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1 Q. I'm going to show you Government's Exhibit IND-21.

2 Who is that?

3 A. That's Tech.

4 Q. Did you learn about the mob from Tone and Tech as well?

5 A. Yes.

6 Q. Did you learn who the leaders of the mob in the
7 Gwynn Oak-Liberty Heights area were?

8 A. Yes.

9 Q. And who were they?

10 A. Dirt.

11 Q. I'm going to show you Government's Exhibit IND-7.

12 Who's that?

13 A. That's Dirt.

14 Q. And do you see him in the courtroom today?

15 A. Right there.

16 Q. Can you point out an article of clothing he's wearing.

17 A. Right there (indicating).

18 Q. Was there another leader of the mob in the
19 Gwynn Oak-Liberty Heights area?

20 A. Yes.

21 Q. Who was that?

22 A. Murda.

23 Q. I'm going to show you Government's Exhibit IND-20.

24 Who is that?

25 A. That's Murda.

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1 Q. Did you have interactions with Dirt on the street?

2 A. Yes.

3 Q. And did you observe his interactions with other members of
4 the mob?

5 A. Yes.

6 Q. And based on what you observed, what was Dirt's role in
7 the mob?

8 A. He was the leader as far as collectin' money and makin'
9 sure everybody do their part.

10 Q. Did members of the mob sell drugs in the Gwynn Oak and
11 Liberty Heights area?

12 A. Yes.

13 Q. And based on your observations of Dirt interacting with
14 other members of the mob, what was Dirt's role in the drug
15 organization?

16 A. He was the one to get all the money and pass out the drugs
17 and call the shots.

18 Q. What territory did Dirt control in terms of the drug
19 operation?

20 A. Liberty Heights and Gwynn Oak, Liberty Height -- Gwynn Oak
21 and Rogers.

22 Q. And I want to ask you some questions about Dirt's drug
23 operation.

24 Did you see Dirt sell drugs himself, personally?

25 A. No.

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1 Q. What did you see?

2 A. I just see people that sell for him and him collect money.

3 Q. And how did you know that there were people who sold drugs
4 for Dirt?

5 A. Because I was friends with him.

6 Q. Can you tell us some other members of the mob in the
7 Gwynn Oak-Liberty Heights area, or can you just tell us some
8 members of the mob in the Gwynn Oak-Liberty Heights area who
9 sold drugs for Dirt.

10 A. You had Tone, Tech, Delante, Conehead.

11 Q. You mentioned Delante. And I'm going to show you
12 Government's Exhibit IND-59.

13 Who's that?

14 A. That's Delante.

15 Q. And how did you know that he sold drugs for Dirt?

16 A. 'Cause I know him personally and we talked.

17 Q. And what did he tell you?

18 A. That he ain't want to sell drugs for him.

19 Q. He didn't want to sell drugs for him?

20 A. He had a problem with it.

21 Q. I'm going to show you Government's Exhibit IND-83.

22 Who's that?

23 A. That's Conehead.

24 Q. And was he a member of the mob?

25 A. Yes.

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1 Q. And did he sell drugs in that area?

2 A. Yes.

3 Q. I'm going to pull back up Government's Exhibit IND-21.

4 You mentioned that this is Tech. Did he sell drugs in the
5 Liberty Heights Gwynn Oak area?

6 A. Yes.

7 Q. Did you see him engage in drug transactions?

8 A. Yes.

9 Q. And what drugs did you see him sell?

10 A. Crack, cocaine, and marijuana and pills.

11 Q. And did he sell drugs for Dirt?

12 A. Yes.

13 Q. Did you ever see Tech with guns?

14 A. Yes.

15 Q. Based on your observations of him and his interactions
16 with others in the mob, what was Tech's role in the mob?

17 A. He was like a hitman, enforcer.

18 Q. I'm going to pull back up Government's Exhibit IND-93, who
19 you identified as Tone.

20 And was Tone part of the mob?

21 A. Yes, he was.

22 Q. And did he sell drugs in the Gwynn Oak-Liberty Heights
23 area?

24 A. Yes.

25 Q. Did he sell drugs for Dirt?

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1 **A.** Yes.

2 **Q.** Did you ever see Tone with guns?

3 **A.** Yes.

4 **MR. SARDELLI:** Objection; leading.

5 **THE COURT:** Can we come up to the bench again for a
6 minute.

7 (Bench conference on the record:

8 **THE COURT:** I think we need to establish more of the
9 basis of knowledge. You're sort of asking the questions, but I
10 don't know yet how much he talked with Tone.

11 These are rival gangs, so they're not --

12 **MS. HOFFMAN:** Right. He did mention that he grew up
13 in the same foster care family as Tone --

14 **THE COURT:** Yes.

15 **MS. HOFFMAN:** -- and went to school with him. I can
16 ask him more questions about whether he had -- whether he hung
17 out in Liberty Heights and Gwynn Oak and whether he observed
18 them, sure.

19 **THE COURT:** Yes; because, I mean, that certainly
20 establishes the basis of why they might talk to each other,
21 because they grew up, but presumably we're talking about a time
22 period that is later than when they were in foster care
23 together.

24 **MR. SARDELLI:** And I would note that Tech and Tone are
25 BGF, not MMP, number one.

1 And, number two, I would have a --

2 **THE COURT:** No. They're -- I don't think that's the
3 evidence so far, is it?

4 **MS. HOFFMAN:** I think he knows them as Bloods. There
5 has been testimony that Tech at one point joined BGF but was
6 still affiliated with the Bloods.

7 **THE COURT:** Tech is Devon Dent, isn't he, a named
8 co-conspirator?

9 **MS. HOFFMAN:** Yes.

10 **MR. SARDELLI:** Yes, Your Honor. But as to this
11 witness, I don't think he's established that they're BGF or MMP
12 or whatever they are, so I don't know if he's established what
13 they are.

14 **THE COURT:** I think this witness has testified that
15 they are Mob Bloods.

16 **MR. SARDELLI:** And I would also ask for a running
17 objection as to the leading, Your Honor.

18 **THE COURT:** Okay. Yes. Try not to lead. And let's
19 establish the basis of knowledge a little more.

20 **MR. SARDELLI:** Thank you, Your Honor.)

21 (Bench conference concluded.)

22 **BY MS. HOFFMAN:**

23 **Q.** Mr. Ferguson, you testified that you grew up in the
24 Liberty Heights Gwynn Oak area.

25 Did you spend time there?

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1 **A.** Yes.

2 **Q.** And did you observe -- did you have --

3 **THE COURT:** What years are we talking about now?

4 **BY MS. HOFFMAN:**

5 **Q.** What years did you spend time in Gwynn Oak and
6 Liberty Heights?

7 **A.** My whole life.

8 **Q.** Did you have occasion to observe Tone in that area over
9 the years?

10 **A.** Yes.

11 **Q.** Did you have personal interactions with him?

12 **A.** Yes.

13 **Q.** And you testified that you're a member of a rival gang.
14 What were the nature of your interactions with him?

15 **A.** We was friends. We just used to talk when we see each
16 other.

17 **Q.** And why were you friends despite being members of
18 different gangs?

19 **A.** Because we grew up together before we was gang members.

20 **Q.** How did you know that Tone was a member of the mob?

21 **A.** Because my brother.

22 **Q.** And is this the brother who's a member of the Bloods?

23 **A.** Yes.

24 **MR. SARDELLI:** Objection, Your Honor. That sounds
25 like it calls for hearsay.

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1 **THE COURT:** What are we talking about when we say "the
2 Bloods"?

3 **BY MS. HOFFMAN:**

4 **Q.** You mentioned -- you testified that your brother was a
5 member of the Bloods. What part of the Bloods was he a member
6 of?

7 **A.** They was Bounty Hunters before they was Mobbin' Bloods.

8 **Q.** Okay. Was your brother a member of Bounty Hunters?

9 **MR. SARDELLI:** Objection; leading.

10 **THE COURT:** Overruled.

11 **BY MS. HOFFMAN:**

12 **Q.** How else did you know that Tone was in the mob? Were
13 there other ways?

14 **A.** Yeah. He hang with them. They all hang together and take
15 pictures and throw the gang signs up.

16 **Q.** Did you ever see Tone with guns?

17 **A.** Yes.

18 **Q.** And can you explain.

19 **A.** He keep 'em in his car, in his door.

20 **Q.** And what type of cars did he drive?

21 **A.** He had a red Crossfire, a burgundy Altima, and a black
22 one.

23 **Q.** You testified about -- I want to go back to Tech for a
24 minute.

25 You testified that he was part of the mob. Did he ever

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1 join a different gang?

2 A. Yes; BGF.

3 Q. Can you explain that.

4 A. When he -- when he got locked up, he met somebody and they
5 made him Black Guerilla Family when he was incarcerated.

6 Q. Was he -- did he remain affiliated with the Bloods after
7 that?

8 A. Yes.

9 Q. I want to show you Government's Exhibit IND-63.

10 Do you recognize that person?

11 A. Yes.

12 Q. Who is that?

13 A. That's Sheisty.

14 Q. And how do you know Sheisty?

15 A. Because he grew up with my family.

16 Q. And did you have personal interactions with him?

17 A. At times, yes.

18 Q. Did you learn whether or not he was affiliated with a
19 gang?

20 A. Yes, he was.

21 Q. And how did you learn that?

22 A. Because he was under Murda.

23 Q. You said under Murda. What gang was he in?

24 A. He was a Mobbin' Blood.

25 Q. Did you see him with Murda?

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1 **A.** Yes.

2 **MR. SARDELLI:** I'd still object, Your Honor. They're
3 not establishing the basis of knowledge or how he's learning
4 this.

5 **THE COURT:** Overruled.

6 **BY MS. HOFFMAN:**

7 **Q.** I'm going to show you Government's Exhibit IND-13.

8 Do you recognize this person?

9 **A.** Yeah.

10 **Q.** Who is that?

11 **A.** That's Mookie.

12 **Q.** And how did you know Mookie?

13 **A.** I grew up around the area, known him for a while.

14 **Q.** Did you see him on the street?

15 **A.** Yes.

16 **Q.** Did you learn whether or not he was affiliated with a
17 gang?

18 **A.** Yes.

19 **Q.** How did you learn that?

20 **A.** Because he always throw the gang signs up, and he hang
21 with them.

22 **Q.** And what gang was he a member of?

23 **A.** Mobbin' Bloods.

24 **Q.** And who would you see him with specifically?

25 **A.** Tech and Tone.

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1 Q. Anybody else?

2 A. Dirt.

3 Q. Did you ever see Mookie sell drugs?

4 A. Yes.

5 Q. And where did he sell drugs?

6 A. On Liberty Heights and Gwynn Oak.

7 Q. And did you see him interact with other members of the
8 mob?

9 A. Yes.

10 Q. Based on your observations of him interacting with other
11 members of the mob, what was your understanding of his role in
12 the gang?

13 A. He was just another enforcer.

14 Q. I'm going to show you Government's Exhibit IND-44.

15 Actually, just backing up a step.

16 What do you mean by "enforcer"? In what way was Mookie an
17 enforcer?

18 A. As far as like also collecting drugs for his cousin and,
19 you know, making sure everything -- all the operation is moving
20 smoothly.

21 Q. Do you recognize the person in
22 Government's Exhibit IND-44?

23 A. Yes.

24 Q. Who is that?

25 A. That's Eastside.

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1 Q. And did you have personal interactions with Eastside?

2 A. Yes.

3 Q. And did you learn whether or not he was a member of a
4 gang?

5 A. Yes.

6 Q. And how did you learn that?

7 A. 'Cause he hang with them.

8 Q. Who's them?

9 A. The Mobbin' Bloods, Tech and Dirt and Tone and all them.

10 Q. And was he a member of the mob?

11 A. Yes.

12 Q. Did you see him sell drugs?

13 A. Yes.

14 Q. Where did he sell drugs?

15 A. Liberty Heights and Gwynn Oak.

16 Q. I want to show you a few photos and ask you if you
17 recognize -- recognize the people in the photos.

18 I'm going to show you, first, Government's Exhibit SM-23.

19 Do you recognize any of the people in this photo?

20 A. Yes.

21 Q. And can you tell us who you recognize. You should be able
22 to touch the screen in front of you there to point to people.

23 A. That's Dirt (indicating).

24 That's Mookie (indicating).

25 That's Murk (ph) (indicating).

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1 That's Tone' father (indicating).

2 That's Tone (indicating).

3 Q. Do you recognize the location of this picture?

4 A. That's on Gwynn Oak.

5 Q. I'm going to show you Government's Exhibit SM-25.

6 Do you recognize any of the people in this photo?

7 A. Yes.

8 Q. Can you tell us who.

9 A. That's Dirt (indicating).

10 That's Tone' father (indicating).

11 That's KO (indicating).

12 That's Mookie (indicating).

13 And that's Twan (indicating).

14 Q. And do you see what Dirt is doing with his hands in this
15 picture?

16 A. He throwing up gang signs.

17 Q. And what specifically is he doing with his hands?

18 A. Throwing up MMP.

19 Q. And did you know that to be a sign of the mob?

20 A. Yes. That's they gang sign.

21 Q. I'm going to show you Government's Exhibit SM-26.

22 Do you recognize the people in this photo?

23 A. Yes.

24 Q. Can you tell us who you recognize.

25 A. Dirt (indicating).

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1 Tech (indicating).

2 And Mookie (indicating).

3 Q. I'm going to show you Government's Exhibit SM-28.

4 Do you recognize the people in this photo?

5 A. Yes.

6 Q. Who are they?

7 A. That's Gutta (indicating) and Dirt (indicating).

8 Q. And did you ever have any personal interactions with Gutta
9 on the street?

10 A. No.

11 Q. How did you know who he was?

12 A. Because everybody know who he is, and everybody speak of
13 him.

14 Q. Did you ever learn about him from members of the mob?

15 A. Yes.

16 Q. And what did you learn about his -- did you learn about
17 his role in the gang from other members of the mob?

18 A. Yes.

19 Q. What did you learn?

20 THE COURT: Could we be more specific -- time, people.

21 BY MS. HOFFMAN:

22 Q. Directing your attention to the years 2011 to when you got
23 arrested, did you learn about Gutta's role in the gang during
24 that time frame?

25 A. Yes.

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1 Q. And what did you learn his role was?

2 MS. WHALEN: Objection.

3 THE COURT: Sustained.

4 We've now got a number-of-year period; and during that
5 time, he learned. I don't know how. I don't know when, from
6 whom.

7 BY MS. HOFFMAN:

8 Q. When did you learn --

9 MS. HOFFMAN: Sure.

10 BY MS. HOFFMAN:

11 Q. How did you learn about Gutta's role in the gang?

12 A. From his fellow gang members.

13 Q. Did you say from his fellow gang members?

14 A. Yes.

15 Q. And so let me just be a little bit more specific now and
16 talk about the year before you got locked up in this case, so
17 2015 into 2016.

18 Did you learn during that time what Gutta's role in the
19 gang was?

20 A. No. I was incarcerated from '15 to the beginning of '16.

21 Q. When did you learn about Gutta's role in the gang?

22 A. Once I was home.

23 Q. And when was that?

24 A. After Carlos got killed.

25 Q. Okay. And what did you learn was his role in the gang

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1 then?

2 **MS. WHALEN:** Objection.

3 **THE WITNESS:** He's the leader of everybody --

4 **THE COURT:** I'm sorry. Wait a second.

5 The same --

6 **MS. WHALEN:** I still object, yes.

7 **BY MS. HOFFMAN:**

8 **Q.** All right. I'm going to show you
9 Government's Exhibit SM-39.

10 Can you tell us if you recognize any of the people in this
11 photo.

12 **A.** Yeah. That's Murda, Mook, and Tone.

13 **Q.** And I'm going to show you Government's Exhibit SM-17,
14 Page 9.

15 Do you recognize the people -- and this is Page 87 of the
16 business record. Do you recognize the people in this photo?

17 **A.** Yes.

18 **Q.** And who are they?

19 **A.** That's Gutta, Sheisty, and Murda.

20 **Q.** And I'm going to show you Page 11 of this same document,
21 which is Page 97 of the business record.

22 Do you recognize who's in this photo?

23 **A.** Yeah. Mookie, Sheisty, and Murda.

24 **Q.** I want to ask you some more questions about the drug
25 operation at Liberty Heights and Gwynn Oak.

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1 Did you hang out -- how much did you hang out in that
2 area?

3 A. Every day.

4 Q. And can -- what is that area like? Can you describe it in
5 terms of buildings.

6 A. A bunch of stores.

7 Q. What stores are there?

8 A. Food stores, a bar, a gas station.

9 Q. What are the names of the stores?

10 A. 4 Gs, Big T's, New York Fried Chicken.

11 Q. I'm going to show you Government's Exhibit MAP-30.

12 Do you recognize this image?

13 A. Yes. That's Liberty Heights and Gwynn Oak.

14 Q. And is this the 4 Gs and the fried chicken stores you were
15 referring to?

16 A. Yes.

17 Q. Now, I'm going to show you Government's Exhibit MAP-31.

18 What are we looking at here?

19 A. That's still the intersection of Liberty Heights and
20 Gwynn Oak.

21 Q. Did you observe members of the mob conduct drug
22 transactions?

23 A. Yes.

24 Q. And where would you see them conduct drug transactions?

25 A. Right there by the 4 Gs.

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1 Q. Anywhere else?

2 A. The gas station.

3 Q. Did you ever talk to members of the mob about their drug
4 business?

5 A. Yes.

6 Q. What kinds of drugs did the members of the mob sell in
7 that Liberty Heights-Gwynn Oak area?

8 MS. WHALEN: Objection.

9 THE COURT: Sustained.

10 You need to be a little more specific.

11 BY MS. HOFFMAN:

12 Q. I want to ask you about the members of the mob who you've
13 identified, Tech, Tone, Dirt, and Murda. Can you tell us, did
14 you ever have conversations with any of them about their drug
15 business?

16 A. Yes.

17 Q. And can you explain, can you tell us what you learned.

18 A. Yeah, that they sell cocaine, heroin, and marijuana.

19 Q. Did you ever see transactions with your own eyes?

20 A. Yes.

21 Q. And based on your own observations of the people who
22 you've identified as the members of the mob in that area, was
23 there one drug that was sold more than others?

24 A. Yeah. Crack was sold most -- more than anything.

25 Q. Did you say crack?

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1 **A.** Yeah. Crack cocaine.

2 **Q.** Without telling me who, can you just tell me, did you
3 learn who supplied drugs to the mob in that area?

4 **MR. SARDELLI:** Objection, Your Honor; lack of
5 foundation.

6 **THE COURT:** I don't know yet.

7 Did you learn? And then we'll find out how without
8 saying any names.

9 **BY MS. HOFFMAN:**

10 **Q.** Without telling me any names, can you tell me, did you
11 learn who supplied drugs in that area --

12 **A.** Yes.

13 **Q.** -- to the members of the mob?
14 And how did you learn that?

15 **A.** Because me and my friends bought some from him.

16 **Q.** Your friends bought some drugs from members of the mob?

17 **A.** Yes.

18 **Q.** Can you explain.

19 **A.** When we want to buy something, we go to that person that's
20 selling it because he sell all the drugs around there.

21 **Q.** Okay. And who is that person who you would go to?

22 **A.** Dirt (indicating).

23 **Q.** Were there occasions when you bought drugs from Dirt?

24 **A.** I never bought them personally from him.

25 **Q.** How did it happen? Can you explain.

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1 **A.** From my friend Ro-Ro.

2 **Q.** And how did that transaction come about?

3 **A.** He would go to him and buy it.

4 **Q.** And how were you involved in the transaction?

5 **A.** I put my money into it.

6 **Q.** So you put your money into it, and then Ro-Ro bought drugs
7 from Dirt?

8 **A.** Uh-huh.

9 **Q.** And what did Ro-Ro buy?

10 **A.** Crack.

11 **Q.** Did the mob -- did you learn about any stash houses that
12 were used by the mob in that area?

13 **A.** Yes.

14 **Q.** And how did you learn about the locations of stash houses?

15 **A.** Because I'm from around there, and I see it.

16 **Q.** When you say you've seen it, what would you see?

17 **A.** I would see the Bloods be there and I see the addicts
18 going in and out from right there.

19 **Q.** And can you tell us what locations you observed members of
20 the mob and addicts going in and out from.

21 **A.** You had one on Norwood and Howard Park, Gwynn Oak and
22 Rogers, and Liberty Heights -- well, Haddon and Gwynn Oak.

23 **Q.** And who of the members of the mob would you see at those
24 locations?

25 **A.** You would see Tone, Tech, KO, Mookie.

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1 Q. Now, you testified that you observed --

2 THE COURT: I don't mean to interrupt you, but just
3 let me know when you're at a good breaking point.

4 MS. HOFFMAN: Sure. This is fine.

5 THE COURT: Okay. All right. Ladies and gentlemen,
6 we're going to take the lunch recess. And you are excused for
7 lunch. We'll see you at 2 o'clock.

8 (Jury left the courtroom at 1 o'clock p.m.)

9 THE COURT: All right. Thank you. And we'll excuse
10 the witness.

11 Other than, in general, the need to be specific about
12 times and places and conversations, any other issues anybody
13 anticipates for this afternoon?

14 (No response.)

15 THE COURT: Okay. All right. Then I'm going to
16 excuse the gallery.

17 Okay. We'll take the recess until 2:00.

18 (Luncheon recess taken.)

19 THE COURT: All right. Ready for the jury and the
20 witness?

21 MS. HOFFMAN: Yes.

22 (Jury entered the courtroom at 2:08 p.m.)

23 THE COURT: All right. If you'd like to continue,
24 Ms. Hoffman.

25 THE CLERK: Mr. Ferguson, you're still under oath.

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THE WITNESS: Okay.

BY MS. HOFFMAN:

Q. Good afternoon, Mr. Ferguson.

A. Good afternoon.

Q. When we left off, we were talking about drug sales in the area of Gwynn Oak and Liberty Heights.

Can you tell us, did you see with your own eyes drug sales that happened at that location?

A. Yes.

Q. And can you tell us who the members of the mob were who you actually saw make drug transactions in that area.

A. Tone, Tech, Mookie, and Delante and the rest of 'em.

Q. When you observed drug transactions take place at Liberty Heights and Gwynn Oak, how much -- what in terms of quantity -- sticking with crack cocaine, in terms of quantity, how much would typically be sold in any given transaction?

A. I'm going to say \$10 and up.

Q. \$10 and up?

A. Yeah.

Q. And what do you mean by -- how much in terms of quantity, like weight, would be sold for \$10 of crack cocaine?

A. Can you repeat your question.

Q. Sure. A \$10 sale of crack cocaine, how much crack cocaine would that be?

A. I'm not sure.

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1 Q. What's the -- in terms of drug transactions that you saw,
2 what's the most that you might see in a given transaction?

3 MS. WHALEN: Objection.

4 THE COURT: Sustained.

5 BY MS. HOFFMAN:

6 Q. I want to ask you specifically about Tech.

7 Can you tell us about drug transactions that you saw him
8 involved in.

9 A. He made -- he made hand-to-hand sales, so it varies from
10 the customer.

11 Q. And can you tell us, based on what you observed of Tech in
12 that area, how much would he typically sell in any given
13 transaction?

14 MS. WHALEN: Objection.

15 THE COURT: Overruled.

16 Based on what he saw personally.

17 BY MS. HOFFMAN:

18 Q. I'm sorry. You can answer, Mr. Ferguson.

19 Based on what you saw personally of Tech, do you know --
20 if you know -- how much would he typically sell in a given
21 transaction of crack?

22 A. I'm not sure.

23 Q. What was the volume of -- you mentioned Tech, Tone,
24 Mookie, and Delante as making sales in that area.

25 What was the -- sticking with those four individuals, what

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1 was the volume of sales like in that area?

2 **A.** It was like \$10 and up, like, so it would be within a
3 whole, I'm going to say close to a half a kilo or something
4 between all of 'em.

5 **Q.** I was actually -- and I apologize. The question was
6 poorly worded.

7 How much customer traffic was there in that area, in
8 Gwynn Oak and Liberty Heights?

9 **A.** It goes on all day.

10 **Q.** Goes on all day. And how frequently would you see
11 transactions there?

12 **A.** Every two minutes.

13 **Q.** And was it -- would people -- what was the traffic like?
14 Was it foot traffic? Car traffic? What would you see?

15 **A.** Both.

16 **Q.** And based on what you -- I think you mentioned this a
17 minute ago. But based on your own personal observations of
18 drug sales, hand-to-hand transactions involving Tech and Tone
19 and Delante and Mookie at that location, how much would you
20 estimate they sold of crack cocaine on a daily basis?

21 **MS. WHALEN:** Objection.

22 **MR. SARDELLI:** Objection.

23 **THE COURT:** I think we'll have to break it down. He's
24 already said he wasn't sure as to Tech.

25 **BY MS. HOFFMAN:**

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1 Q. Okay. That's okay. I can move along.

2 Mr. Ferguson, who was -- who was able to sell at the
3 Liberty Heights and Gwynn Oak location? Who was able to sell
4 drugs there?

5 A. The people that worked for Dirt.

6 Q. Did you ever attempt to sell drugs in that area?

7 A. Yes.

8 Q. And what happened?

9 A. I got into an altercation with them.

10 Q. I'm sorry. I didn't hear what you said.

11 A. I got into an altercation with the Blood.

12 Q. And did you have an interaction with Dirt?

13 A. Yes; one time.

14 Q. And can you tell us what happened.

15 A. He told me if I'm not sellin' for him or giving him
16 10 percent, then I can't sell right there.

17 Q. And you said "10 percent." What do you mean by that?

18 A. A percentage of the money I make.

19 Q. So Dirt told you that if you weren't selling for him, you
20 couldn't sell there anymore?

21 A. Yes.

22 Q. And he asked you to pay 10 percent of what you were
23 making?

24 A. He asked everybody 10 --

25 MS. WHALEN: Objection; leading.

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THE COURT: He had already testified to it.

Overruled.

BY MS. HOFFMAN:

Q. And what did you say?

A. I told him, "No."

Q. So what happened?

A. I just went back on Howard Park where I usually sell drugs at.

Q. Is that a different location?

A. It's up the street.

Q. Did you know of anyone else who -- did you know of anyone else in the gang who paid a tax to Dirt?

A. Delante and the younger ones under him.

Q. And how did you know about Delante paying a tax?

A. 'Cause Delante talked to me about it.

Q. Do you know where Dirt -- do you know where Dirt resided?

A. He had different places.

Q. And did you know where -- which -- where those places were?

A. Yes.

MR. SARDELLI: Objection; leading and lack of foundation, Your Honor.

THE COURT: Overruled.

THE WITNESS: Gwynn Oak and Rogers. And he had North Avenue and Erdman Avenue.

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1 **BY MS. HOFFMAN:**

2 **Q.** And how did you know that?

3 **A.** Because I know he lived on Gwynn Oak and Rogers because
4 that's where I'm from. So I knew his house. But I knew the
5 other two by other people telling me.

6 **Q.** Did you ever see Dirt with guns?

7 **A.** Yes.

8 **Q.** About how many times?

9 **A.** Twice.

10 **Q.** About twice.

11 Did you know what kind of car or cars Dirt drove?

12 **A.** I just know of one.

13 **Q.** And what car did you know Dirt to drive?

14 **A.** It was a Benz.

15 **Q.** A Benz. What color was the Benz?

16 **A.** Black.

17 **THE COURT:** And did we establish how he knows that?

18 **BY MS. HOFFMAN:**

19 **Q.** How did you know that Dirt drove a black Benz?

20 **A.** He was always in it.

21 **Q.** Did you see him in it?

22 **A.** Yes.

23 **Q.** You mentioned earlier that members of your drug business
24 sold drugs at Liberty Heights and Garrison.

25 Was there a BGF leader in that area?

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1 A. Yes.

2 Q. Who was that?

3 A. His name was Fish.

4 Q. I'm going to show you Government's Exhibit IND-56.

5 Who is that?

6 A. That's Fish.

7 Q. Did you know him personally?

8 A. Yes.

9 Q. Did he have a rank in BGF?

10 A. Yes.

11 Q. What was his rank?

12 A. He was a bushman.

13 Q. Did you say bushman?

14 What does it mean to be a bushman?

15 A. It's one of the highest ranks of BGF.

16 Q. Have you ever heard of something called Black Blood?

17 A. Yes.

18 Q. What was Black Blood?

19 A. It was BGF and Bloods comin' together.

20 Q. And who did you learn about it from?

21 A. Fish.

22 Q. What did Fish tell you about Black Blood?

23 A. That they was trying to come together to make music and
24 make more money.

25 Q. And how did they want to make more money?

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1 **A.** Drugs.

2 **Q.** Did you know of other BGF members who were part of
3 Black Blood?

4 **A.** Yes.

5 **Q.** Who else?

6 **A.** Crazy.

7 **Q.** I'm going to show you Government's Exhibit IND-90.
8 Who is that?

9 **A.** That's Crazy.

10 **Q.** Did you know Crazy personally?

11 **A.** Yeah.

12 **Q.** And you said he was a member of Black Blood?

13 **A.** Yes.

14 **Q.** Was he a member of BGF?

15 **A.** Yes.

16 **Q.** What happened to Black Blood? Is it still around?

17 **A.** No.

18 **Q.** Can you tell us what happened.

19 **A.** After Fish died, then we went our separate ways.

20 **Q.** Are you familiar with someone from that area, from
21 Gwynn Oak and Liberty Heights, who went by the name Freak?

22 **A.** Yes.

23 **Q.** And who was Freak? Was he affiliated with a gang?

24 **A.** He was friends of 'em.

25 **THE COURT:** I'm sorry. He was what?

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1 **BY MS. HOFFMAN:**

2 **Q.** Could you repeat that, Mr. Ferguson.

3 **A.** He was friends of the people that was in the gang.

4 **Q.** And which gang is that that you're referring to?

5 **A.** The mob Bloods.

6 **Q.** Freak was a friend of the mob, of the mob?

7 **A.** Yes.

8 **Q.** And I want to direct your attention to 2012 or
9 thereabouts. Was there a time around then when you witnessed
10 Freak get shot?

11 **A.** Yes.

12 **Q.** Can you tell us what you saw.

13 **A.** I was standing in front of the Chinese store, and Tech
14 chased him into the store, shootin' him.

15 **Q.** Tech chased Freak into a store, shooting him?

16 **A.** Yes.

17 **Q.** And which store did he chase him into?

18 **A.** Pizza store.

19 **Q.** Did you say the pizza store?

20 **A.** Yes.

21 **Q.** Did you see -- did Tech hit Freak?

22 **A.** In his stomach.

23 **Q.** And did you witness this with your own eyes?

24 **A.** Yes.

25 **Q.** Was it dark out or light out?

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1 **A.** It was light.

2 **Q.** Did you learn why Tech shot Freak?

3 **A.** No, I'm not sure.

4 **MR. SARDELLI:** Objection; calls for speculation.

5 **THE COURT:** Well, we have to get the basis of
6 knowledge before we get an answer.

7 **BY MS. HOFFMAN:**

8 **Q.** I want to actually shift gears, Mr. Ferguson, and ask you
9 about some events in the spring of 2016.

10 Did you know somebody named Carlos or Los?

11 **A.** Yes.

12 **Q.** Who was Los?

13 **A.** My friend.

14 **Q.** And was he part of -- was he a member of BGF?

15 **A.** No.

16 **Q.** Was he -- how did you know him?

17 **A.** We grew up together.

18 **Q.** Did he sell drugs in that area?

19 **A.** No.

20 **Q.** How did you come to be -- how did you come to be friends
21 with him?

22 **A.** We went to school together as kids, and we was in the
23 neighborhood.

24 **Q.** I want to direct your attention to April 26th of 2016.

25 On that day did you learn that Los had been killed?

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1 **A.** Yes.

2 **Q.** And I want to show you, actually,
3 Government's Exhibit IND-97.

4 Who is that?

5 **A.** That's Carlos.

6 **Q.** And where was Carlos killed?

7 **A.** On Liberty Heights and Woodbine.

8 **Q.** What happened as a result of Los's murder?

9 **A.** I will tell you --

10 **MR. SARDELLI:** Objection. There's no foundation for
11 where she's going.

12 **THE COURT:** That's a pretty broad question,
13 Ms. Hoffman. I'll sustain that.

14 **BY MS. HOFFMAN:**

15 **Q.** Did Los's murder -- how did Los's murder affect the
16 members of your gang and your drug crew?

17 **A.** It started a beef between the Bloods.

18 **Q.** It started a beef between your drug crew and the Bloods?

19 **A.** Yes.

20 **Q.** And why was that?

21 **A.** Because Carlos was our friend and one of 'em killed him.

22 **Q.** Did Los's murder spark violence between --

23 **MR. SARDELLI:** Objection; leading.

24 **THE COURT:** Sustained.

25 You can rephrase that.

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1 **BY MS. HOFFMAN:**

2 **Q.** Can you tell us what happened as a result of the beef
3 between your crew and the mob.

4 **A.** We started retaliatin' against each other.

5 **Q.** Was there direct retaliation for Los's murder?

6 **A.** Yes.

7 **Q.** Who was killed after that?

8 **A.** Mookie.

9 **Q.** And I want to pull up Government's Exhibit IND-13.

10 And I believe you identified this person as Mookie; is
11 that right?

12 **A.** Yes.

13 **Q.** When was Mookie killed in relation to when Los was killed?

14 **A.** Two days after.

15 **Q.** And where was Mookie killed?

16 **A.** He was killed on Gwynn Oak in front of the Big T's.

17 **Q.** Were members of -- well, what happened as a result of the
18 killing of Mookie?

19 **A.** Back-and-forth violence.

20 **Q.** Did you attend a candlelight vigil for Los?

21 **A.** Yes.

22 **Q.** And was that before or after Mookie got killed?

23 **A.** It was like 10 minutes after or 20 minutes after.

24 **Q.** And where was the candlelight vigil?

25 **A.** On Liberty Heights and Woodbine.

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THE COURT: I can't hear.

BY MS. HOFFMAN:

Q. Can you repeat that.

A. Liberty Heights and Woodbine.

Q. Did you say Liberty Heights and Woodbine?

A. Yes.

Q. I'm going to show you Government's Exhibit MAP-33.

Can you tell us what we're looking at here.

A. That's the corner of Liberty Heights and Woodbine.

Q. Is this where the candlelight vigil was?

A. Yes.

Q. Can you indicate where on this image the candlelight vigil was.

A. Right here (indicating).

Q. Was there a confrontation that happened at the candlelight vigil for Los?

A. Yes.

Q. And can you tell us what happened.

A. Dirt and his comrades came, and Dirt walked up and asked us who killed him.

Q. Who killed who?

A. Who killed his cousin Mookie.

Q. And can you explain the story of what happened.

A. And he was asking each -- us each individually who killed him. Nobody was saying nothin'. So he got mad and he said he

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1 going to kill every last one of us by the summer -- by the end
2 of the summer.

3 Q. And you spoke a little fast there. Can you repeat one
4 more time what Dirt said.

5 A. That he going to kill each and every last one of us by the
6 end of the summer.

7 Q. Was Dirt holding anything when he said this?

8 A. A gun in his hand.

9 MR. SARDELLI: Objection; leading.

10 THE COURT: Overruled.

11 BY MS. HOFFMAN:

12 Q. I'm sorry. You can answer, Mr. Ferguson. Was Dirt --

13 A. Yeah. He had a gun in his hand.

14 Q. And what happened next?

15 A. A car pulled up and they rolled the window down, and there
16 was a gun in the backseat sittin' on the chair.

17 Q. And you spoke a little fast there again.

18 You said a car pulled up, and were you able to see inside
19 the car?

20 A. Yes. It was a machine gun sittin' on the backseat.

21 Q. In the backseat of the car?

22 A. Yes.

23 Q. You said Dirt and -- I don't know if you told us. Who was
24 Dirt with when he confronted you?

25 A. He was with a guy named Five and his nephew, Little Mike.

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1 Q. Were there other members of the mob there, too?

2 A. Yeah. They was standin' across the street.

3 Q. Okay. So you -- you indicated where on this map you were
4 standing. Did Dirt come to your side of the street?

5 A. Yes, I was standin' here (indicating). Dirt was standin'
6 right there (indicating).

7 Q. And then there were other members of the mob who remained
8 on the other side of the street?

9 A. Yes.

10 Q. After Mookie was killed, did you learn that members of the
11 mob suspected you of killing Mookie?

12 A. Yes.

13 MR. SARDELLI: Objection. What's the basis of
14 knowledge?

15 THE COURT: Okay. Yes, we have to establish -- I
16 assume this is what we talked about before, so if you could go
17 to how he knew that.

18 MS. HOFFMAN: Sure.

19 BY MS. HOFFMAN:

20 Q. In the aftermath of -- well, you mentioned -- you just
21 testified that Dirt confronted you at the candlelight vigil.
22 Did he speak directly to you?

23 A. He was speaking to us as a whole.

24 Q. Did he say anything to you specifically?

25 A. Yeah, he asked me did I know who killed Mookie and who

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1 came around the area in the -- in the van and did that.

2 Q. And what did you say?

3 A. I told him, "I don't know."

4 Q. And based on that interaction, did you -- did you believe
5 that you were suspected of killing Mookie?

6 A. Not at that moment.

7 Q. Did you learn -- did you have conversations with members
8 of the mob after that happened?

9 A. Yes.

10 Q. Did you have a conversation with Tone after Mookie was
11 killed?

12 MR. SARDELLI: Objection; leading.

13 THE COURT: Overruled.

14 THE WITNESS: Yes. He called my phone.

15 BY MS. HOFFMAN:

16 Q. And what did Tone tell you when he called your phone?

17 A. He asked me did I kill Mookie and that I got a ransom on
18 me.

19 Q. And what does it mean to have a ransom on you?

20 A. Um, money for the -- to kill me.

21 Q. And so what does it mean, money to kill you? What -- if
22 someone kills you, they get money?

23 A. Yeah, they get paid for it.

24 Q. Was there other retaliatory violence that happened after
25 Mookie got killed?

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1 A. Yes.

2 Q. Can you tell us what happened after Mookie got killed.

3 A. Yeah. Somebody was killed on Haddon and Woodbine after
4 the candlelight.

5 Q. And do you know who that was?

6 A. No.

7 Q. Were there members of your drug crew who had violence
8 directed at them?

9 A. Yes.

10 Q. Can you tell us about that.

11 A. My friend Evot (ph) was shot in his back and his hand in
12 front of the store.

13 Q. And was anyone else in your organization targeted for
14 violence?

15 A. Yes. Dorian --

16 MS. WHALEN: Objection.

17 THE COURT: Sustained.

18 BY MS. HOFFMAN:

19 Q. Who were the other members of your crew? Who did you
20 consider to be part of your crew?

21 A. Dorian, Ro-Ro, Da-Rod, and Tay and Supreme.

22 Q. And did you hang out with them frequently?

23 A. Yeah.

24 Q. And did you, based -- just going based on your own
25 personal observations, were there any other -- did you see with

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1 your own eyes any other retaliatory acts after that?

2 **MS. WHALEN:** Objection.

3 **THE COURT:** Do you want to come up to the bench.

4 (Bench conference on the record:

5 **THE COURT:** How he knows it's retaliation, what do you
6 expect him to say?

7 **MS. HOFFMAN:** Sure. So a couple of them -- he said
8 that a couple of his friends, Dorian and Ro-Ro, had their
9 houses shot up. I believe he knows that based on his own
10 personal observations.

11 **THE COURT:** Was he there when the house was shot up?
12 Is he going to be able to say, "I saw X shoot my friend Ro-Ro"?

13 **MS. HOFFMAN:** No, he would not identify anybody who
14 actually pulled the trigger. He would, I think, just say that
15 they had their houses shot up after this.

16 **THE COURT:** Okay. I'm sustaining the objection. I
17 don't see any reason to get into this. There's very little
18 relevance, and it's more likely to cause prejudice than
19 anything else. It's not directed at anybody specific, so let's
20 just move on.)

21 (Bench conference concluded.)

22 **BY MS. HOFFMAN:**

23 **Q.** Mr. Ferguson, did there come a time when you got involved
24 in retaliatory violence?

25 **A.** Yes.

~~FERGUSON~~ - DIRECT

1 Q. And can you tell us what you did.

2 A. I shot one of the victims -- I mean one of the Blood
3 members.

4 Q. And when was that?

5 A. The day I got arrested.

6 Q. It was the day that you got arrested in this case?

7 A. Yes.

8 Q. So is that August 2nd of 2016?

9 A. Yes.

10 Q. And can you tell us what happened that day.

11 A. I followed the dude to a house and jumped out the car and
12 shot at him.

13 Q. Were you with other people at the time?

14 A. I was with a friend.

15 Q. And who was the friend?

16 A. Dorian.

17 Q. Was the person actually hit?

18 A. He was grazed in his face.

19 Q. And who were you shooting at?

20 A. Harold.

21 Q. Who's Harold?

22 A. His name KO.

23 Q. Is that -- KO is his street name?

24 A. Yeah, his street name.

25 Q. Was he a member of the mob?

~~FERGUSON - DIRECT~~

1 A. Yes.

2 Q. Why did you shoot at KO?

3 A. Because I felt like the odds was against me once I had the
4 ransom on my head. And I was in fear for my life, so -- I was
5 just scared.

6 Q. You mentioned that you were arrested on August 2nd of
7 2016. Have you been incarcerated since then?

8 A. Yes.

9 Q. Was there a period when you were not incarcerated?

10 A. Yes.

11 Q. And when was that?

12 A. January 10th, 2017.

13 Q. Can you explain what happened.

14 A. I was shot five times.

15 Q. Well, what happened -- were you released at a certain
16 point?

17 A. Yes. The State released me by mistake.

18 Q. You say by mistake?

19 A. Yes.

20 Q. And that was in January of 2017?

21 A. Yes.

22 Q. And where did you go when you were released?

23 A. My sister' house.

24 Q. And how long were you out for?

25 A. About 12 days.

~~FERGUSON - DIRECT~~

1 Q. And what happened on the 12th day?

2 A. I got shot five times.

3 Q. Can you tell us what happened.

4 A. I was sittin' on my couch, and somebody came to the window
5 and shot me through the window.

6 Q. Was it dark out at the time?

7 A. Yes. It was 2:20-something in the morning.

8 Q. Were you able to see who shot you?

9 A. No.

10 Q. Were you taken to the hospital?

11 A. Yes.

12 Q. And what happened after -- where did you go after the
13 hospital?

14 A. I went to the pen hospital, which is the city jail,
15 infirmary.

16 Q. Were you -- did you stay in the city jail?

17 A. I stayed for a couple months.

18 Q. And then what happened?

19 A. I went to Chesapeake.

20 Q. And where did you go after that?

21 A. Warsaw, Virginia.

22 Q. After you were shot, did you receive any payments from the
23 ATF?

24 A. Yes.

25 Q. And do you know -- do you know about how much money the

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1 ATF has spent on your behalf?

2 **A.** About 8500.

3 **Q.** Were those payments all made directly to you?

4 **A.** No.

5 **Q.** Can you explain.

6 **A.** It was towards my girlfriend being relocated 'cause she
7 was in danger of her life; my sister, security cameras in and
8 around -- around the side of her house; and my medical expenses
9 and phone calls.

10 **Q.** Were some payments made directly to you?

11 **A.** Yes.

12 **Q.** And how were those payments made?

13 **A.** Commissary account.

14 **Q.** They were put on your commissary account?

15 **A.** Yes.

16 **Q.** And what was your understanding of what that money was
17 for?

18 **A.** It was for my medical bills from being shot and for --
19 make calls to my lawyer and to my family.

20 **Q.** Mr. Ferguson, are you still fearful for your life today?

21 **MS. WHALEN:** Objection.

22 **THE WITNESS:** Yes.

23 **THE COURT:** Overruled.

24 **MS. HOFFMAN:** Thank you, Mr. Ferguson.

25 I have no further questions.

~~FERGUSON - CROSS~~

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Good afternoon, Mr. Ferguson.

A. Good afternoon.

Q. Let's start with you were arrested on August 2nd of 2016; correct?

A. Yes.

Q. And that's the case that you are currently waiting to be sentenced by a judge after you perform your cooperation duties; right?

A. Yes.

Q. Okay. And in that case, you pled guilty to being a felon in possession of a firearm; right?

A. Yes.

Q. Okay. And that is the case for which you hope you're going to get a reduced sentence because you've come in here and testified and cooperated with the Government; right?

A. Yes.

Q. Now, you just told us that on that day, you followed a guy and chased him down and shot him; right?

A. Yes, I did.

Q. And you did that, you said, on the same day that you were arrested with a handgun; right?

A. Yes.

Q. And you remember going in to speak with these individuals

~~FERGUSON - CROSS~~

1 from the federal government and telling them what you know
2 about everything; right?

3 A. Yes.

4 Q. And you met with them several times; right?

5 A. Yes, I have.

6 Q. And do you recall, sir, that you told them that it was
7 someone else that shot Mr. Ushry, or KO; right?

8 A. I don't recall.

9 Q. Well, do you remember meeting with the agents --

10 MS. WHALEN: If the Court would indulge me.

11 BY MS. WHALEN:

12 Q. -- and saying that an hour or two before you got arrested,
13 Shropshire, who was your friend; right?

14 A. Yes.

15 Q. What's Shropshire's full name, please?

16 A. Dorian Shropshire.

17 Q. Dorian. Okay. And Dorian was with you in the car; right?

18 A. Yes.

19 Q. And Dorian had a gun too; right?

20 A. Yes.

21 Q. And then your other friend was in the car with a gun as
22 well; right?

23 A. No. I had two guns. Dorian had one.

24 Q. You had two. Were there just two of you in the car or
25 three?

~~FERGUSON - CROSS~~

1 **A.** There was three of us.

2 **Q.** Okay. But two of the guns were yours?

3 **A.** Yes.

4 **Q.** Okay. And do you remember saying -- and let me just tell
5 you the date sir, March 1st, 2017, that Shropshire, an hour or
6 two before you got arrested, tried to kill Harold Ushry or
7 Ushry.

8 Do you remember that?

9 **A.** No, I didn't say that.

10 **Q.** You did not say that?

11 **A.** I said we both tried to kill him.

12 **Q.** Okay. When was the last time that you met with the
13 prosecutors and the agent in this case?

14 **A.** March 4th.

15 **Q.** March 4th of this year?

16 **A.** Yes.

17 **Q.** Okay. And you discussed the testimony that you're giving
18 here today with the agents?

19 **A.** Yes, ma'am.

20 **Q.** All right. And they said to you, We're going to ask you
21 this question, for instance: Did you plead guilty to being a
22 felon in possession of a firearm; right?

23 **A.** Yes.

24 **Q.** And they said, We're going to ask you, Who is the person
25 that sentences you; right?

~~FERGUSON - CROSS~~

1 A. Yes.

2 Q. Okay. So you knew those questions were coming; right?

3 A. Yes.

4 Q. And they said, We're going to ask you, What do you -- what
5 is your understanding of what will happen once you cooperate?

6 Remember a question like that?

7 A. Yes, I remember.

8 Q. Okay. And at that time you discussed what your answer
9 would be; right?

10 A. Yes.

11 Q. Okay. And your answer to the ladies and gentlemen was
12 that you hoped to get a reduced sentence; right?

13 A. Yes.

14 Q. In fact, you hope to walk out of prison after you perform
15 your duties as a cooperator; right?

16 A. Nothin' was promised, so I'm not sure.

17 Q. Nothing specific was promised, but your hope is: I'm out
18 of here when I'm done; right?

19 A. Hopefully.

20 Q. Now, you told us about, I believe, an incident -- well,
21 you knew Tech and you knew Tone; right?

22 A. Yes.

23 Q. Okay. And do you recall back in 2012 being shot in the
24 leg?

25 A. Yes, I do.

~~FERGUSON - CROSS~~

1 Q. All right. And you told us a little bit about that,
2 right, that --

3 MS. HOFFMAN: Objection.

4 (Counsel conferred.)

5 MS. WHALEN: I'm sorry, I don't know -- the objection.

6 THE COURT: Do we need to approach the bench?

7 MS. HOFFMAN: Sure.

8 (Bench conference on the record:

9 MS. HOFFMAN: He didn't testify about -- I think
10 Ms. Whalen said, You told -- do you remember being shot in the
11 leg? You told us a little bit about that.

12 He hasn't testified about that.

13 MS. WHALEN: Okay. I'll rephrase.

14 THE COURT: Okay.)

15 (Bench conference concluded.)

16 MS. WHALEN: Thank you, Your Honor.

17 BY MS. WHALEN:

18 Q. Let me rephrase that.

19 You were shot back in 2012; right?

20 A. Yes.

21 Q. And you have told the Government that it was Tech and Tone
22 who shot at you; is that correct?

23 A. Yes.

24 Q. Okay. Was it both of them?

25 A. Yes.

~~FERGUSON - CROSS~~

1 Q. And were you in a car with another individual?

2 A. Yes.

3 Q. Was that Dorian?

4 A. No.

5 Q. Who were you with?

6 A. Supreme. I was in the car with four other people.

7 Q. Four other people?

8 A. Yeah.

9 Q. Okay. And you're clear now that this was Tech and Tone
10 that did this shooting; right?

11 A. Yes.

12 Q. But when you went in and talked to the detectives, you
13 told them that it was not Tech or Tone that shot you; correct?

14 A. I didn't tell 'em who it was.

15 Q. Did you give them names at all?

16 A. No.

17 Q. In fact, you told them, I have no idea who shot me; right?

18 A. Yes.

19 Q. Okay. And you actually gave them a little bit of a
20 description but claimed that you really couldn't see the face;
21 correct?

22 A. Yes.

23 Q. You lied to 'em; right?

24 A. Yes, I did.

25 Q. And then there was another time when you went and

~~FERGUSON - CROSS~~

1 discussed with the same detective, Detective Howard, that --
2 the incident of you being shot; right?

3 **A.** Yes.

4 **Q.** And at that time you told him that it was Sheldon Jacobs
5 and Rashard Pierce that shot you.

6 Do you recall that?

7 **A.** No.

8 **Q.** You don't recall telling Detective Howard at all that it
9 was Sheldon and Jacobs and Mr. Pierce that shot you?

10 **A.** No.

11 **Q.** Let me be real specific. June 14th, 2012,
12 Detective Howard, do you recall having a meeting with him?

13 **A.** I never told him that they shot me.

14 **Q.** You never said that?

15 **A.** No.

16 **Q.** Okay. Well, do you remember indicating to, again, the
17 federal government, first, that you did not tell
18 Detective Howard -- consistent with what you're saying now, you
19 didn't tell Detective Howard that it was Mr. Jacobs that shot
20 you. Do you remember saying that to the federal government?

21 **A.** Can you repeat that.

22 **Q.** Sure.

23 In one of the proffer sessions, do you remember indicating
24 that you never told Detective Howard that Sheldon Jacobs shot
25 you?

~~FERGUSON - CROSS~~

1 **A.** Right.

2 **Q.** Okay. And then do you remember at that very same meeting,
3 you indicated that your friend had told the detective that it
4 was Jacobs and Pierce that shot you?

5 Do you remember that?

6 **A.** Yes, I remember that.

7 **Q.** And do you remember, then, also saying, I just went along
8 with it and told the detective that it was Jacobs and Pierce?

9 **A.** No, I never said that.

10 **Q.** Again, let me ask you, sir -- I believe, again, it would
11 be the -- March 1st, 2017, do you recall telling prosecutors
12 and federal agents that Detective Howard confronted you with
13 the information that it was Jacobs and Pierce that shot you and
14 you went along with what your friend had said?

15 **A.** No.

16 **Q.** You did not say that?

17 **A.** No.

18 **Q.** Now, Sheldon Jacobs was actually arrested for the shooting
19 of you, wasn't he?

20 **A.** Yes.

21 **Q.** And he -- he went to jail, didn't he?

22 **A.** Yes.

23 **Q.** And he went -- was actually put on trial; right?

24 **A.** Yes.

25 **Q.** And you were brought into court, and you stood and took

~~FERGUSON - CROSS~~

1 the oath before a jury that you would tell the truth; right?

2 A. Yes.

3 Q. And at that trial, even though you knew, as you tell us
4 now, that Tech and Tone were the ones that shot you, you told a
5 jury you didn't know who shot you; right?

6 A. Yes.

7 Q. You said you didn't see his face; right?

8 A. Right.

9 Q. And that was a lie.

10 A. (No response.)

11 Q. Was it a lie, sir?

12 A. Yes, I did lie.

13 Q. And that wasn't this courtroom, but it was a courtroom for
14 the state of Maryland; right?

15 A. Yes.

16 Q. Now, I mentioned meetings or proffer sessions with
17 prosecutors and agents.

18 You know the term "proffer session," do you?

19 A. Yes.

20 Q. Okay. And that's where you and your attorney, generally,
21 go in and sit down and talk with a federal agent and the
22 prosecutors in the case; right?

23 A. Yes.

24 Q. All right. And you are told -- in fact, you signed an
25 agreement that says basically they're not going to use your

~~FERGUSON - CROSS~~

1 statements against you; right?

2 A. Yes.

3 Q. So you knew you could tell them whatever and you weren't
4 going to have any repercussions; right?

5 A. Yes.

6 Q. And so you did tell them things; right?

7 A. Yes.

8 Q. And do you recall that -- now, let me take -- ask it this
9 way: You don't expect to be prosecuted for perjuring before a
10 jury in the state of Maryland, do you?

11 A. Can you repeat that.

12 Q. You don't expect to be prosecuted for perjuring yourself
13 in a courtroom in the state of Maryland, do you, sir?

14 A. No.

15 Q. Okay. And you actually went out and found Mr. Pierce, did
16 you not?

17 A. I'm not understanding what you saying.

18 Q. Well, you went out and shot Mr. Pierce in the leg because
19 Mr. Pierce, you believed, had given a gun to Tech or Tone
20 before you were shot; right?

21 A. Yes.

22 Q. All right. You chased him down like you did Mr. Ushry;
23 right?

24 A. I ain't chase him down.

25 Q. How did you do it?

~~FERGUSON - CROSS~~

1 **A.** I jumped out the car. He was standin' right there.

2 **Q.** And you shot him in the leg?

3 **A.** Yeah; in his hand.

4 **Q.** In his hand, too?

5 **A.** Yes.

6 **Q.** Was it one shot?

7 **A.** I shot him in his leg and his hand.

8 **Q.** All right. Two shots?

9 **A.** It was one shot, but it went through his hand and hit his
10 leg.

11 **Q.** And he survived?

12 **A.** Yes.

13 **Q.** And did you tell him why you were shootin' him?

14 **A.** No.

15 **Q.** You don't expect to be prosecuted by the
16 federal government for shooting Mr. Pierce, do you?

17 **A.** No.

18 **Q.** And you don't expect to be further prosecuted for the
19 murder of Mr. Ushry -- excuse me, for the shooting of
20 Mr. Ushry, do you?

21 **A.** No.

22 **Q.** And all of that is because you cooperated with the
23 Government; right?

24 **A.** Yes.

25 **MS. WHALEN:** Would the Court indulge me. I have one

1 note here that I need to read.

2 **THE COURT:** Okay.

3 **BY MS. WHALEN:**

4 **Q.** Now, when things happen out on the street, especially like
5 a shooting or a murder, word starts to travel, does it not?

6 **A.** Yes, it do.

7 **Q.** And rumors start flying; right?

8 **A.** Yes, they do.

9 **Q.** People start gossiping about what they hear; correct?

10 **A.** Right.

11 **Q.** And maybe sometimes about what they see; correct?

12 **A.** Right.

13 **Q.** And sometimes the facts are not really accurate; right?

14 **A.** Right.

15 **Q.** And you might learn that right away that it's not
16 accurate; correct?

17 **A.** Correct.

18 **Q.** Or you might learn it years later; is that correct?

19 **A.** Right.

20 **Q.** And you may never hear the whole truth or the full truth
21 at all; right?

22 **A.** Right.

23 **Q.** Okay. But it's a buzz. Like, it goes out real quickly;
24 right?

25 **A.** Yes.

~~FERGUSON - CROSS~~

1 Q. And sort of the circumstances of the shooting or the
2 murder get passed around from person to person; correct?

3 A. Say that again.

4 Q. The circumstances, like how it happened, gets passed
5 around from person to person; correct?

6 A. Yeah, that's right.

7 MS. HOFFMAN: I'm going to object; vagueness.

8 THE COURT: Do you have a specific --

9 MS. WHALEN: This is just in general, Your Honor, what
10 happens on the street.

11 THE COURT: I think I'll sustain the objection, then.

12 BY MS. WHALEN:

13 Q. Now, for instance, the Mookie murder, that word traveled
14 very fast; correct?

15 A. Yes.

16 Q. And people gathered nearby where he was killed; correct?

17 A. Yes.

18 Q. And you and your girl and your kids, you went down there
19 as well; right?

20 A. No, I didn't go to the -- I went to the candlelight.

21 Q. You went to the candlelight. I see.

22 A. Yes.

23 Q. Which candlelight are we talking about now?

24 A. Of Carlos.

25 Q. And that was how far away from where Mookie was killed?

~~FERGUSON - CROSS~~

1 **A.** Not far. About two minutes, three minutes away.

2 **Q.** Two to three minutes by car or by walking?

3 **A.** By foot.

4 **Q.** Now, you know a person by the name of Trouble; right?

5 **A.** I don't know him personally, but I know of him.

6 **Q.** Do you know his real name as William Banks?

7 **A.** No.

8 **Q.** Okay. And you know he was --

9 **MS. HOFFMAN:** Objection; hearsay.

10 **THE COURT:** I'm sorry?

11 **MS. HOFFMAN:** Hearsay.

12 **THE COURT:** Well, I guess I don't know yet.

13 **BY MS. WHALEN:**

14 **Q.** You know that he had a deal where he kept guns in the back
15 of the BP gas station; right?

16 **MS. HOFFMAN:** Objection; hearsay.

17 **THE COURT:** Do you want to come up to the bench.

18 (Bench conference on the record:

19 **THE COURT:** This is the same thing. How does he know?

20 **MS. WHALEN:** His proffer doesn't specify that it's not
21 personal knowledge. He just simply says he had a deal. So I'm
22 exploring what he said. I can't go any farther than what I
23 know from the Government.

24 **MS. HOFFMAN:** He did, however -- I don't recall if
25 it's in the grand jury or in one of the proffers, but he also

1 just testified to the same thing. He didn't know Trouble
2 personally. He never interacted with him personally.

3 And so I think every -- my sense is that everything he
4 knew about Trouble was just word on the street through the
5 grapevine, so I don't think that it's permissible to ask him
6 about what he knew from the streets.

7 **MS. WHALEN:** Well, I can, then, clear it up by simply
8 asking: Do you have knowledge that he had this deal with the
9 gas station?

10 **MS. HOFFMAN:** It gets prejudicial to ask --

11 **THE COURT:** I guess I'm trying to do the same thing
12 that we had an issue with with Ms. Hoffman. I'm trying to find
13 out, first, what would be the basis of his knowledge so we can
14 figure out if it's anything admissible or if it's just the
15 rumors on the street. So I don't know if you want to go in --
16 say he didn't know him personally; did -- you can try to
17 explore if he had conversations.

18 **MS. WHALEN:** Okay. All right. Thank you.

19 **THE COURT:** I don't know, but we're just not quite
20 there yet without a basis for the knowledge.)

21 (Bench conference concluded.)

22 **BY MS. WHALEN:**

23 **Q.** You indicated you didn't really personally know Trouble,
24 but you know who he is; right?

25 **A.** Yes.

~~FERGUSON - CROSS~~

1 Q. And have you had conversations with him about the gas
2 station, the BP gas station?

3 A. No.

4 Q. Have you had conversations with other members of the mob,
5 as you called it, about Trouble and the BP gas station?

6 A. No.

7 Q. The individuals that you told us before that were telling
8 you business of the mob, did you have conversations with them
9 about Trouble and the gas station?

10 A. I'm not sure who you speakin' on.

11 Q. Well, you told us in direct about guys you grew up with --

12 A. Right.

13 Q. -- okay, that you know are members of the Bloods: Tech,
14 Tone. Those people, let's focus on them.

15 Did you have conversations with them about Trouble and the
16 gas station?

17 A. No.

18 MS. WHALEN: Thank you, Your Honor.

19 I think that's all I have.

20 THE COURT: Okay. All right. Thank you.

21 Mr. Sardelli.

22 CROSS-EXAMINATION

23 BY MR. SARDELLI:

24 Q. Good afternoon, sir.

25 A. Good afternoon.

~~FERGUSON - CROSS~~

1 Q. You stated on direct examination that you're a BGF member;
2 am I correct?

3 A. Yes.

4 Q. And you said that you pled previously to being a felon in
5 possession of a firearm; am I correct?

6 A. Yes.

7 Q. And you don't anticipate being charged with RICO or RICO
8 conspiracy or any other drug crimes, do you?

9 A. No.

10 Q. And that's because of your cooperation agreement; am I
11 correct?

12 A. You're correct.

13 Q. Now, you testified that you never actually bought drugs
14 from my client, Randy Banks, am I correct, personally?

15 A. Yeah. Yes.

16 Q. And you also testified that you met with the Government,
17 the prosecutors, the agents on numerous occasions; am I
18 correct?

19 A. Yes.

20 Q. Does that include just before the grand jury, did you meet
21 with them?

22 A. Can you repeat that.

23 Q. You testified at the grand jury in this case.

24 A. Right.

25 Q. All right. Just before you went to the grand jury, did

~~FERGUSON - CROSS~~

1 you talk to the prosecutors and the agents before you went into
2 the grand jury?

3 A. Yes, I did.

4 Q. Now, you mentioned before on direct examination some
5 houses that you said are linked to my client Randy Banks;
6 right?

7 A. Yes.

8 Q. What are the addresses of those houses, the actual
9 addresses?

10 A. I'm not sure.

11 Q. Well, you're from that neighborhood; right?

12 A. Yes; but I don't know the addresses.

13 Q. You mentioned three houses; right?

14 A. Yes.

15 Q. Can you give me one of the addresses?

16 A. I'm not sure.

17 Q. Are you aware that none of those houses were seized?

18 A. One of 'em was.

19 Q. By who?

20 A. I guess the police. I'm not sure exactly who seized it.

21 Q. Okay.

22 A. But one of 'em was raided.

23 Q. And do you have the address of that house?

24 A. No.

25 Q. And you grew up in that neighborhood; correct?

~~FERGUSON - CROSS~~

1 **A.** Yes, sir.

2 **Q.** Now, you mentioned a black Benz that you said is linked to
3 my client; correct?

4 **A.** Yes.

5 **Q.** Are you aware that that's not registered to him?

6 **MS. HOFFMAN:** Objection.

7 **THE COURT:** Sustained.

8 **BY MR. SARDELLI:**

9 **Q.** Are you aware of a business called Mighty Mouse Towing?

10 **A.** Can you repeat that.

11 **Q.** Are you aware of a business called Mighty Mouse Towing?

12 **A.** No.

13 **Q.** Are you aware of a person named Bernard Bell?

14 **A.** No.

15 **Q.** Are you aware that's Randy Banks' uncle?

16 **MS. HOFFMAN:** Objection.

17 **THE COURT:** Sustained. He doesn't know him.

18 **BY MR. SARDELLI:**

19 **Q.** Are you aware of a rap company called TCGMG?

20 **A.** No.

21 **Q.** But you spent a lot of time in this area; correct?

22 **A.** Right.

23 **Q.** You never heard of TCGMG?

24 **A.** No.

25 **Q.** Do you know a LaVon Henson?

~~FERGUSON - CROSS~~

1 **A.** Can you repeat the name.

2 **Q.** LaVon Henson.

3 **A.** No, not by name.

4 **Q.** You don't know that that's Randy's mom?

5 **A.** No. I don't know his mom.

6 **MS. HOFFMAN:** Objection.

7 **THE COURT:** If he doesn't know him, he doesn't know
8 her, I gather. But --

9 **BY MR. SARDELLI:**

10 **Q.** Now, you spent a lot of time from 2012 to 2018 in jail or
11 in confinement; correct?

12 **A.** Correct.

13 **Q.** In fact, you spent more time in jail than you did probably
14 on the street; correct?

15 **A.** Correct.

16 **Q.** Walk us through -- let's go backwards. From today, when
17 were you confined today? From today back to 2016, have you
18 been in jail?

19 **A.** Yes; August 2nd.

20 **Q.** Okay. And in 2016, how long were you actually on the
21 street for?

22 **A.** Five and a half months.

23 **Q.** Of all of 2016, you were out for five and a half months?

24 **A.** Yes.

25 **Q.** How about for 2015?

~~FERGUSON - CROSS~~

1 **A.** I was incarcerated the whole of '15.

2 **Q.** All of '15?

3 **A.** Yes.

4 **Q.** How about 2014?

5 **A.** Besides 20 days.

6 **Q.** Besides 20 days?

7 **A.** Besides 20 days of 2015, the beginning.

8 **Q.** How about 2014?

9 **A.** I was in prison all the way until December 5th.

10 **Q.** Okay. So most of the year?

11 **A.** Yes.

12 **Q.** How about 2013?

13 **A.** In prison.

14 **Q.** How about 2012?

15 **A.** Half of prison and half on the street.

16 **Q.** Okay. So you would say at least three-quarters of the
17 time or more you were in jail during that period?

18 **A.** Yes.

19 **Q.** Now, do you remember your plea agreement?

20 **A.** Yes, I do.

21 **Q.** When you pled guilty in the case you've already talked
22 about, the felon in possession case; correct?

23 **A.** Say that again.

24 **Q.** The felon in possession, the felon in possession of a
25 firearm, you pled guilty in that case; correct?

~~FERGUSON - CROSS~~

1 **A.** Yes, I did.

2 **Q.** And as part of that case, there was a plea agreement;
3 correct?

4 **A.** Right.

5 **Q.** You reviewed it. You signed it; am I correct?

6 **A.** Yes.

7 **Q.** There is a factual basis in that case, correct, that has
8 the facts of the case; right?

9 **A.** Yes.

10 **Q.** And there's no mention of Randy Banks anywhere in those
11 facts, is there?

12 **A.** No.

13 **Q.** Do you remember writing a letter to Ms. Hoffman?

14 **A.** No.

15 **Q.** Would it refresh my [sic] recollection if I showed you a
16 copy of the letter?

17 **A.** Yes.

18 **MR. SARDELLI:** Your Honor, may I approach?

19 **BY MR. SARDELLI:**

20 **Q.** (Handing.)

21 Can you go ahead and read that to yourself.

22 **A.** (Reviews document.)

23 Yeah, I remember this.

24 **Q.** Does that refresh your recollection?

25 **A.** Yes.

~~FERGUSON - CROSS~~

1 Q. It says September 26th, but it doesn't say a date [sic].
2 What year was that?

3 A. 2017.

4 Q. And you wrote that letter to Ms. Hoffman offering
5 information and your help in the case; correct?

6 A. Correct.

7 Q. You proactively reached out to her; am I right?

8 A. Right.

9 Q. And there's no mention of Randy Banks in this letter, is
10 there?

11 A. I didn't read the whole thing.

12 Q. Well, can I bring it back and you can refresh your
13 recollection?

14 A. Yes.

15 MR. SARDELLI: May I approach, Your Honor?

16 BY MR. SARDELLI:

17 Q. (Hanging.)

18 Go ahead and read that again.

19 A. (Reviews document.)

20 Q. Does that refresh your recollection, sir?

21 A. Yes.

22 Q. Is there any mention of Randy Banks in this letter?

23 A. No.

24 Q. And what was the date of that, sir? What year was that?

25 A. 2017.

~~FERGUSON - CROSS~~

1 Q. Now, you said on direct testimony, I believe the quote
2 was, Everything I was supposed to get.

3 That was in relation to your cooperation; correct?

4 A. Can you repeat that again.

5 Q. I believe your statement was you said everything I was
6 supposed to get when you were asked about your cooperation; am
7 I correct?

8 A. Yes.

9 Q. And that's in relation to your cooperation, about what you
10 expect; correct?

11 A. Yes.

12 Q. And you called the group that you testify about, to be
13 correct and accurate, quote/unquote, the Mobbin' Bloods; right?

14 A. Can you repeat that again.

15 Q. You called the group you testified to on direct,
16 quote/unquote, the group the Mobbin' Bloods; am I correct?

17 A. Yes; but they have different names they go by.

18 Q. That's not what I asked you, sir. I asked you what you
19 called them.

20 A. I called 'em Mobbin' Bloods.

21 Q. Did I also hear you say that you dealt drugs; correct?

22 A. Yes.

23 Q. But you also said you're not sure how much a \$10 sale is
24 worth of crack; am I correct?

25 A. No, I'm -- I didn't say that. I didn't know how much it

~~FERGUSON - CROSS~~

1 was as far as like gram-wise or how much it was percentage like
2 that.

3 **Q.** Do you remember being asked on direct about how much a \$10
4 sale is, how much crack there is? Correct?

5 **A.** Right.

6 **Q.** You were asked that question; right?

7 **A.** Right.

8 **Q.** And didn't you answer you're not sure how much a \$10 sale
9 is, quote/unquote?

10 **A.** Yes, I said that.

11 **Q.** And besides hoping to get leniency in these cases, you
12 also mentioned that you were paid by the ATF \$8,500; am I
13 correct?

14 **A.** I --

15 **Q.** You or family members?

16 **A.** Yes, I said that.

17 **MR. SARDELLI:** No further questions, Your Honor.

18 **THE COURT:** All right. Anybody else?

19 **MR. TRAINOR:** No questions.

20 **MR. HAZLEHURST:** Nothing on behalf of Mr. Davis,
21 Your Honor.

22 **THE COURT:** Any redirect?

23 **MS. HOFFMAN:** Just briefly.

~~FERGUSON - REDIRECT~~

REDIRECT EXAMINATION

BY MS. HOFFMAN:

Q. Mr. Ferguson, Ms. Whalen asked you about a shooting that happened back in 2012 when you were shot.

Did you ever tell detectives who shot you back in 2012?

A. No.

Q. And why not?

A. Because I was in fear for my life and I wanted to take matters in my own hands.

Q. Were you called upon to testify at the trial of Shelton Jacobs.

A. Yes, I was.

Q. And what did you say at the trial?

A. I told 'em I didn't know who shot me.

Q. And was Shelton Jacobs found guilty or acquitted?

A. Acquitted.

Q. Do you know who shot you in 2012?

A. Yes, I do.

Q. Who was it?

A. Tone and Tech.

Q. Mr. Sardelli asked you about a letter that you sent to me in September of 2017.

I believe you testified on direct that you testified in the federal grand jury in this case in August of 2016; is that right?

~~DELGADO - DIRECT~~

1 **A.** Yes, that's correct.

2 **Q.** And did you testify about Dirt in the grand jury?

3 **A.** Yes, I did.

4 **MS. HOFFMAN:** Thank you, Mr. Ferguson.

5 No further questions.

6 **THE COURT:** Anything else?

7 (No response.)

8 **THE COURT:** Thank you very much. The witness is
9 excused.

10 (Witness excused.)

11 **THE COURT:** Does the Government have another witness?

12 **MS. HOFFMAN:** The Government calls Luis Delgado.

13 **THE CLERK:** Please raise your right hand.

14 DETECTIVE LUIS DELGADO, GOVERNMENT'S WITNESS, SWORN.

15 **THE CLERK:** Please be seated.

16 Please speak directly into the microphone.

17 State and spell your full name for the record, please.

18 **THE WITNESS:** Detective Luis Delgado. Last name,
19 Delgado, D-E-L-G-A-D-O.

20 **THE CLERK:** Please spell your first name.

21 **THE WITNESS:** Luis, L-U-I-S.

22 DIRECT EXAMINATION

23 **BY MS. HOFFMAN:**

24 **Q.** Good afternoon, Detective Delgado.

25 **A.** Good afternoon.

~~DELGADO - DIRECT~~

1 Q. Where are you employed?

2 A. I work for the Baltimore City Police Department.

3 Q. What unit and title? What's your unit and title?

4 A. I work for the Arson and Explosives Unit.

5 Q. Are you a detective?

6 A. Yes, I am.

7 Q. Have you previously been in other units?

8 A. Yes, I have.

9 Q. What other units?

10 A. I worked for the Baltimore City Homicide Unit.

11 Q. And what years were you with Homicide?

12 A. From 2010 to 2017.

13 Q. How long have you worked for the BPD?

14 A. 12 years.

15 Q. Approximately how many homicides have you investigated
16 with BPD?

17 A. Approximately like 50.

18 Q. Is that as lead detective?

19 A. Yes.

20 Q. Have you assisted in other homicide investigations?

21 A. Yes, I have.

22 Q. I want to direct your attention to April 28th of 2016.

23 Were you the lead detective on a homicide that occurred on
24 that day?

25 A. Yes, I was.

~~DELGADO - DIRECT~~

1 Q. Who was the victim?

2 A. Anthony Hornes.

3 Q. I'm going to show you Government's Exhibit IND-48.

4 Who is that?

5 A. The victim, Anthony Hornes.

6 Q. Approximately what time did the 9-1-1 calls come in on
7 April 28th of 2016?

8 A. Around 9:55 p.m.

9 Q. And where was the crime scene?

10 A. 4700 block of Haddon.

11 Q. I'm going to show you Government's Exhibit MAP-14.

12 Do you recognize this image here?

13 A. I do.

14 Q. And are you able to indicate, first of all, on this map
15 where the intersection of Gwynn Oak and Liberty Heights is?

16 A. Yes.

17 Q. Can you point to it on the screen. It should come up.
18 You can actually draw a circle. It might be a little easier to
19 see.

20 A. (Witness complies.)

21 Q. Thanks.

22 And then could you point to the approximate location of
23 the crime scene.

24 A. (Indicating.)

25 Q. Did you respond to the crime scene?

~~DELGADO - DIRECT~~

1 **A.** Yes, I did.

2 **Q.** Approximately what time did you arrive?

3 **A.** 10:42 p.m.

4 **Q.** Was the victim there when you arrived?

5 **A.** No, he was not.

6 **Q.** Where was the victim?

7 **A.** He was transported to the hospital.

8 **Q.** Was any evidence recovered from the crime scene?

9 **A.** Yes.

10 **Q.** Can you tell us what evidence was recovered.

11 **A.** A pair of boots. There was a vest, a sweater, cell phone,
12 \$4, and one shell casing, 9-millimeter.

13 **Q.** Were photographs taken of the crime scene?

14 **A.** Yes.

15 **Q.** I'm going to show you some photographs, starting with
16 Government's Exhibit CS-6-1.

17 What are we looking at here?

18 **A.** Looking at the crime scene.

19 **Q.** And I'm going to show you Government's Exhibit CS-6-2.

20 What are we looking at here?

21 **A.** The crime scene.

22 **Q.** CS-6-3.

23 **A.** Different angle from the crime scene.

24 **Q.** And CS-6-4, what are we looking at here?

25 **A.** That's Marker No. 1. That's the 9-millimeter casing.

~~DELGADO - DIRECT~~

1 Q. Was that the only casing recovered?

2 A. Yes.

3 Q. I'm going to show you CS-6-5.

4 Can you tell us what we're looking at here.

5 A. Different angle of the crime scene.

6 Q. CS-6-7.

7 A. That is the hat at the crime scene.

8 Q. CS-6-8. What are we looking at here?

9 A. That is the jacket at the crime scene.

10 Q. And CS-6-9.

11 A. That is the shoes at the crime scene and the wallet and
12 the sweater.

13 Q. Did you canvass the area for surveillance cameras?

14 A. Yes, we did.

15 Q. Are there any surveillance cameras in the 4700 block of
16 Haddon?

17 A. Nope.

18 Q. Did you conduct an area canvass for witnesses?

19 A. Yes, we did.

20 Q. Did you identify any eyewitnesses at the scene?

21 A. No, we did not.

22 Q. Did you make a request for 9-1-1 calls related to the
23 murder?

24 A. Yes, I did.

25 Q. And have you had a chance to listen to some of those 9-1-1

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calls before coming in here today?

A. Yes, I did.

Q. And I'm going to approach and show you
Government's Exhibit CAD-3.

MS. HOFFMAN: Court's indulgence.

BY MS. HOFFMAN:

Q. (Hanging.)

Is that a disc of 9-1-1 calls related to this case?

A. Yes.

Q. And I'm going to play for you a few of them.

I'm going to start with Government's Exhibit CAD-3-A,
which I believe is on Page 11 of the 9-1-1 call tab.

And before I play it, would you mind reading the date and
timestamp of the call.

A. April 28th, 2016, 9:55:31 seconds p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. I'm going to play another call for you, CAD-3-B, and this
one's on Page 12.

And would you mind reading the date and timestamp of this
call.

A. April 28th, 2016, at 9:57 p.m.

(Audio was played but not reported.)

BY MS. HOFFMAN:

Q. And I just have one more call for you. This one is

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1 Government's Exhibit CAD-3-C on Page 15 of the transcript
2 binders.

3 Would you mind reading the date and time of this call.

4 **A.** April 28th, 2016, at 9:57 with 25 seconds p.m.

5 (Audio was played but not reported.)

6 **BY MS. HOFFMAN:**

7 **Q.** Detective Delgado, did you hear that the caller there said
8 he heard one gunshot -- or heard a gunshot?

9 **A.** Correct.

10 **Q.** And in the call previous to that, did you hear the caller
11 say he heard one shot?

12 **A.** Yep.

13 **Q.** Did you attend the autopsy of the victim?

14 **A.** I did.

15 **Q.** And what was the cause of death?

16 **A.** It was ruled a homicide by shooting.

17 **Q.** And where was the victim shot?

18 **A.** He was shot on the right cheek and exited through the
19 rear, the back left side of the head (indicating).

20 **Q.** Were there any other murders in the area at the -- around
21 the same time as the Anthony Hornes murder?

22 **A.** Yes.

23 **Q.** And can you tell us, were there murders close in time?

24 **A.** Yes; an hour before.

25 **Q.** And who was murdered before?

~~DELGADO~~ - CROSS

1 **A.** Maurice Braham.

2 **Q.** And did you investigate whether there was any connection
3 between the Maurice Braham murder --

4 **A.** I did --

5 **MR. SARDELLI:** Lack of foundation, Your Honor.

6 **MS. HOFFMAN:** I simply meant to ask him whether he
7 investigated it.

8 **THE COURT:** Okay. And the answer is "yes," but that's
9 it?

10 **MS. HOFFMAN:** That's it.

11 **BY MS. HOFFMAN:**

12 **Q.** Did you develop any actual suspects?

13 **A.** I did not.

14 **Q.** And other than responding to investigate this homicide,
15 did you have any role in the broader investigation?

16 **A.** I did not.

17 **MS. HOFFMAN:** Thank you, Detective Delgado.

18 I don't have any further questions.

19 **THE COURT:** Thank you.

20 CROSS-EXAMINATION

21 **BY MR. ENZINNA:**

22 **Q.** Good afternoon, Detective.

23 **A.** Good afternoon.

24 **Q.** You said the murder took place on Haddon Avenue; correct?

25 **A.** That's correct.

~~DELGADO - CROSS~~

1 Q. Let me see if I can focus this better.

2 How far away is that from the corner of Woodbine and
3 Liberty Heights?

4 A. I couldn't tell you, sir.

5 Q. Couldn't tell?

6 A. Unh-unh.

7 Q. Okay. All right. Did you learn at one point during the
8 investigation -- Maurice Braham, who you said was murdered an
9 hour before Mr. Horn [sic]?

10 A. Braham.

11 Q. Braham, yeah. You said he was murdered an hour before
12 Mr. Horn [sic]?

13 A. I believe so.

14 Q. And did you learn during the investigation that the two of
15 them were friends?

16 MS. HOFFMAN: Objection.

17 THE COURT: Do you want to come up to the bench.

18 (Bench conference on the record:

19 MS. HOFFMAN: Your Honor, last night Mr. Enzinna noted
20 that there were some redactions in the homicide file. I
21 explained to him that they were hearsay intel memos, that we
22 objected to their admission, but I gave them to him anyways.

23 I did tell him that we believed they were not
24 admissible, and he has just asked a question based on blatant
25 hearsay from an intel memo which is completely inaccurate and

1 has -- there's no basis of evidence to believe that the victim
2 was friends with Braham at all.

3 **THE COURT:** Do you have any other foundation?

4 **MR. ENZINNA:** The foundation -- what I have is I have
5 this memo that says that they were allegedly friends.

6 **THE COURT:** What's the source in the memo?

7 **MR. ENZINNA:** It's in this file.

8 **MS. HOFFMAN:** It's an e-mail from a LaTanya Lewis to
9 somebody else. It's clearly --

10 **THE COURT:** I'm sustaining.

11 **MR. ENZINNA:** That's not what it says.

12 **THE COURT:** Show me. Show me what it says.

13 **MR. ENZINNA:** LaTanya Lewis, I don't know who
14 LaTanya Lewis is.

15 **MS. HOFFMAN:** Right. And he didn't author this
16 e-mail. He is -- I mean, it's clearly double or triple
17 hearsay.

18 I object to any further questions about the contents
19 of any of these intel memos.

20 **THE COURT:** Sustained.)

21 (Bench conference concluded.)

22 **THE COURT:** The jury will just disregard the last
23 question. We'll move on.

24 **BY MR. ENZINNA:**

25 **Q.** Detective, you said that you didn't develop any suspects;

~~DELGADO~~ - CROSS

1 is that correct?

2 **A.** That's correct.

3 **MR. ENZINNA:** I have nothing further. Thank you.

4 **THE COURT:** Anybody else?

5 Mr. Trainor.

6 CROSS-EXAMINATION

7 **BY MR. TRAINOR:**

8 **Q.** Good afternoon, Detective Delgado.

9 So as the lead detective on this homicide on April 28th,
10 2016, did you have a team of other detectives working with you?

11 **A.** Detective Kershaw went out with me.

12 **Q.** All right. And did the two of you organize a neighborhood
13 canvass?

14 **A.** Along with patrol.

15 **Q.** And you went door to door and asked everyone what they
16 saw, what they heard?

17 **A.** Correct.

18 **Q.** All right. And that was done that very night; correct?

19 **A.** That night; correct.

20 **Q.** All right. And you weren't able to develop any
21 information regarding a description of the shooter or how he or
22 she came to -- through the neighborhood?

23 **A.** No.

24 **Q.** All right. You testified on direct that there were no
25 surveillance cameras in the 4700 block of Haddon Avenue.

1 **A.** I believe so, yes, sir.

2 **Q.** But there are surveillance cameras around the
3 neighborhood, aren't there?

4 **A.** Not that I recall.

5 **Q.** How about up around Liberty Heights and Gwynn Oak?

6 **A.** I don't recall.

7 **Q.** You don't recall?

8 **A.** That's correct.

9 **Q.** Did you look for them?

10 **A.** Two years ago, I believe so.

11 **Q.** Pardon me?

12 **A.** I believe so.

13 **Q.** You believe so?

14 **A.** Yeah.

15 **Q.** Are you sure of that?

16 **A.** I think so, sir.

17 **MR. TRAINOR:** All right. That's all I have.

18 **THE COURT:** Thank you.

19 Anyone else?

20 (No response.)

21 **THE COURT:** Any redirect?

22 **MS. HOFFMAN:** No redirect, Your Honor.

23 But could we approach on scheduling?

24 **THE COURT:** Sure. In the meantime, we'll excuse the
25 witness. Thank you very much.

~~DELGADO - CROSS~~

1 (Witness excused.)

2 (Bench conference on the record:

3 **THE COURT:** Yes?

4 **MS. HOFFMAN:** So we have again moved faster today than
5 we expected, and what we'd like to do next is call one of the
6 case agents to play some jail calls that are sort of related to
7 this murder.

8 Again, we did not notice the agent for today, and so
9 we're hoping we can take the break now and let defense counsel
10 know which calls we intend to play and then put him on to play
11 the calls when we get back.

12 **THE COURT:** Okay.

13 **MR. HAZLEHURST:** I'm sorry?

14 **THE COURT:** They're moving faster. In an effort not
15 to run out of witnesses, they're going to call an agent to play
16 some of the jail calls. We will take a break now, and they can
17 tell you what jail calls they are planning to play.

18 **MS. HOFFMAN:** Related to the murder.

19 **THE COURT:** Related to the murder; right.

20 **MR. HAZLEHURST:** Thank you.

21 **MS. HOFFMAN:** Yes.

22 **THE COURT:** Okay. Thank you.)

23 (Bench conference concluded.)

24 **THE COURT:** All right. If I could see Ms. Moyé for
25 just one second.

1 All right. We're going to take the mid-afternoon
2 recess.

3 I'll start by excusing the jury.

4 (Jury left the courtroom at 3:25 p.m.)

5 **THE COURT:** All right. And we'll excuse the gallery.
6 Is the Government expecting to pretty much fill the
7 rest of the afternoon?

8 **MS. HOFFMAN:** We're not sure. It may not fill the
9 rest of the afternoon.

10 We will do our best.

11 We expected a lengthier cross of Mr. Ferguson.

12 **THE COURT:** Okay. All right. Well, just see what you
13 can do. We'll see how long the jail calls take. That's fine.

14 All right. We'll take a recess.

15 (Recess taken.)

16 **THE COURT:** All right. Any issues?

17 **MS. HOFFMAN:** There is, Your Honor.

18 One of the calls that we would like to play is
19 Call J-51, which Defendant Dante Bailey moved to preclude prior
20 to trial, and this is the call from Devon Dent to
21 Ayinde Deleon. It's an April 23rd, 2016 --

22 **THE COURT:** I'm sorry. What page is it?

23 **MS. HOFFMAN:** J-51 is on Page 166 of the jail call tab
24 of the transcript binder.

25 And the relevant portion is also included in the

1 defendant's -- well, it's included in the Government's response
2 to the defendant's motion to preclude, which is ECF-1045. The
3 defendant's motion to preclude is ECF-1043. And so I wanted to
4 give -- I mean, it's their motion, so I don't want to speak
5 first.

6 I wanted to give them an opportunity to argue the
7 motion perhaps before we play the call.

8 **THE COURT:** Okay. So this is a call, jail call,
9 Mr. Dent, Mr. Deleon.

10 Ms. Whalen.

11 **MS. WHALEN:** Yes. Thank you, Your Honor. I have not
12 looked at the specific arguments that we made in a long time in
13 the motion to preclude.

14 But as memory serves me, this call, we were arguing
15 that it was not a call in furtherance of the conspiracy. It's
16 a retelling of events, simply sort of like the good old days
17 when we were, you know -- for instance, Mr. Dent saying, When
18 we used to ride around, the police couldn't touch us.

19 I don't see that as being in furtherance of any of the
20 business of the organization, and so for that reason we'd ask
21 you to preclude it.

22 **THE COURT:** Okay.

23 **MS. HOFFMAN:** Yes, Your Honor. And we do believe it's
24 in furtherance of the conspiracy. It is certainly within the
25 dates of the conspiracy. It's one co-conspirator to another,

1 Devon Dent, Tech, to Ayinde Deleon, Murda, and they're talking
2 about a number of other members of the gang and criminal
3 activities that they participated in together.

4 I think as I understand the defendant's argument,
5 they're not disputing that these are co-conspirators, but
6 they're arguing that it's more like idle conversation and not
7 in furtherance.

8 And we do think that the "idle conversation" exception
9 has been narrowly construed. There are a number of
10 Fourth Circuit cases indicating that retrospective statements
11 can be co-conspirator statements in furtherance of the
12 conspiracy, for instance, if they're about the status of the
13 conspiracy, the status of its members; or if they provide
14 reassurance, serve to maintain trust and cohesiveness among
15 members, that that is also in furtherance of the conspiracy.

16 And I think that that is exactly what this is. I
17 think that although they are reminiscing, it's a
18 conversation -- I think that they are maintaining trust and
19 cohesiveness by talking about criminal activities that the
20 members of the gang engaged in together and that that, under
21 the cases that we cited in our motion, should be admitted.

22 **THE COURT:** And what's the particular relevance of it?
23 What is there specifically in here?

24 **MS. HOFFMAN:** So the reference to -- there's certainly
25 reference to several members of the gang. And so it's

1 Sheisty -- Sheisty, who has been identified as a member of the
2 mob; Gutta, of course; Trouble; reference to Nizzy and Bangout
3 and all of them together pulling up on the block. It's
4 basically a reference to -- what it sounds like is armed
5 robbery, basically, telling everybody to get down on the ground
6 and, you know, saying, you know --

7 **THE COURT:** Yes, but it doesn't relate to any
8 specific --

9 **MS. HOFFMAN:** It does not; however, it is one of the
10 methods -- you know, one of the racketeering activities that
11 we've alleged that the defendants participated in is robbery,
12 and so this is evidence of one of those racketeering
13 activities.

14 **THE COURT:** Well, pretty general in terms of that. It
15 says -- talking about putting people in their place.

16 **MS. HOFFMAN:** It is general. Although I think it is
17 clear that under the law for racketeering conspiracy, we're not
18 required to prove specific instances of robbery, although we
19 certainly have done that as well. But I think we are required
20 to prove general types of criminal activity. And this is a
21 call that goes directly to the proof of robbery committed by
22 members of the gang. And especially when it's connected to a
23 lot of specific names of defendants here and other
24 co-conspirators who have been discussed and witnesses who have
25 testified, I think it is relevant and in furtherance.

1 **THE COURT:** Okay. Well, I think to say it's in
2 furtherance is a stretch. Even if it is, I think that it's not
3 specifically relevant to anything very much.

4 There's certainly not going to be any news in terms of
5 the names of the people that are involved together. There's
6 plenty of other evidence of that, and I think it's sort of just
7 general possibly prejudicial conversation not tied to anything
8 specific in the indictment.

9 So I'm going to exclude that particular call.

10 Anything else?

11 (No response.)

12 **THE COURT:** Okay. We can get the jury.

13 And the jury is okay with a 9:30 start on Monday.

14 (Jury entered the courtroom at 3:52 p.m.)

15 **THE COURT:** Okay. All right, ladies and gentlemen,
16 before the Government calls another witness, just briefly on
17 the schedule.

18 As you know, we're meeting a half day on Monday. I
19 understand that coming at 9:30 on Monday would be okay for you,
20 so we'll have a half day on Monday.

21 We have a full day on Tuesday.

22 We are not sitting Wednesday.

23 We are not sitting Friday.

24 And unfortunately, I still don't know for sure yet
25 about Thursday. If you can keep on hold Thursday.

1 But we will not sit Wednesday.

2 We will not sit Friday.

3 We will sit Monday morning and Tuesday all day.

4 Okay. All right. Government.

5 **MS. PERRY:** Your Honor, at this time the Government
6 would call Special Agent Tim Moore.

7 **THE COURT:** All right.

8 **THE CLERK:** Raise your right hand.

9 SPECIAL AGENT TIMOTHY MOORE, GOVERNMENT'S WITNESS,
10 SWORN.

11 **THE CLERK:** Please be seated.

12 Please speak directly into the microphone.

13 State and spell your full name for the record, please.

14 **THE WITNESS:** Certainly. It's Timothy Moore,
15 M-O-O-R-E.

16 **THE CLERK:** Thank you. Timothy, T-I-M-O-T-H-Y?

17 **THE WITNESS:** Yes, ma'am.

18 **THE CLERK:** Thank you.

19 DIRECT EXAMINATION

20 **BY MS. PERRY:**

21 **Q.** Good afternoon.

22 **A.** Good afternoon.

23 **Q.** Where do you work?

24 **A.** I work for the ATF here in Baltimore.

25 **Q.** And what is your title with the ATF?

~~MOORE~~ - ~~DIRECT~~

1 **A.** I'm a Special Agent.

2 **Q.** How long have you been a Special Agent with the ATF?

3 **A.** Slightly over 12 years at this point.

4 **Q.** And in your capacity as an ATF Special Agent, were you
5 involved in an investigation into a gang operating in
6 Northwest Baltimore?

7 **A.** I sure was.

8 **Q.** What was your role in that investigation?

9 **A.** I was one of the case agents.

10 **Q.** And what does it mean to be a case agent?

11 **A.** We're the primary investigators. We sort of direct the
12 rest of our group as to what we're going to do and how we're
13 going to do it.

14 **Q.** Now, I want to approach and show you what's already come
15 into evidence as Government's Exhibit JAIL-1 (handing).

16 Do you recognize this?

17 **A.** Sure do.

18 **Q.** What is it?

19 **A.** That is a disc that contains 80 or 81 jail calls.

20 **Q.** And have you reviewed all of the calls on JAIL-1 before
21 coming to court today?

22 **A.** Unfortunately, I have listened to every one of them.

23 **Q.** And were transcripts prepared for all of the calls on
24 JAIL-1?

25 **A.** Yes, ma'am.

~~MOORE - DIRECT~~

1 Q. What kind of information -- first, let me ask you, did you
2 prepare or review all of the transcripts for the calls
3 contained on JAIL-1?

4 A. I did not prepare, but I reviewed and edited most, if
5 not -- well, I reviewed every one and edited many of them.

6 Q. What kind of information, generally speaking, is included
7 in the transcripts?

8 A. You'll have the number calling out and the inmate ID for
9 that number calling out, along with the actual inmate ID, the
10 person that's associated with it. You'll have the date, the
11 time, and then you'll have below is the transcript or the
12 speakers.

13 Q. Now, how is the inmate -- how do you know what the inmate
14 ID or the inmate calling is?

15 A. The jail keeps a record of inmate ID numbers that are
16 associated with each inmate.

17 Q. And so is that information contained in the certified
18 records?

19 A. Yes, it is.

20 Q. And what about the number that is dialed; how is that
21 information kept?

22 A. Same. It's contained by the jail. And then when
23 requested, it's part of the certified records.

24 Q. The same with the date and time?

25 A. Yes.

~~MOORE - DIRECT~~

1 Q. Is that information contained in the certified records?

2 A. Correct.

3 Q. Now, generally speaking, did you attempt or identify the
4 individuals speaking on these particular calls?

5 A. Yes, ma'am.

6 Q. And generally speaking, can you explain how you were able
7 to identify the people speaking on the calls.

8 A. Any number of means. Some we've been in the same room
9 with them. Some we've listened to. They self-identify in the
10 calls. Through review of subscriber records, people will
11 typically sometimes put the cell phones in their own names or
12 their house phones in their names.

13 Other people self-ID when they first make a call. Many of
14 the jails ask you to state your name. Some people use their
15 correct names. Other times in the middle of calls or in calls
16 with other people, they will self-identify or identify using a
17 nickname that we are aware of.

18 Q. And were there times where you were unable to identify the
19 speakers in calls?

20 A. Yes.

21 Q. And how did you denote that in the transcripts?

22 A. It would -- if it's male, it would be "unknown male"; or
23 if it's female, it would be "unknown female."

24 Q. And are there occasions -- were there occasions where
25 nicknames were contained in the transcripts?

~~MOORE - DIRECT~~

1 A. Yes.

2 Q. And where did that come from?

3 A. It came from the context of the call.

4 Q. Now, I want to -- let me ask you one more question about
5 the jail calls generally.

6 Were there times -- did you always rely on the inmate name
7 and the inmate identification to determine who was speaking in
8 the calls?

9 A. No.

10 Q. Why not?

11 A. Frequently inmates will either run out of minutes or calls
12 on their own ID number, so they'll use somebody else's. Or
13 they'll use somebody else's to specific -- purposely not to
14 have those calls recorded under their name.

15 Q. And so are the names identified in the transcripts all
16 based on -- just generally speaking, based on your review of
17 all of the -- all of the items and all of the materials and all
18 of the information you had and based on voice identification?

19 A. Yes, ma'am, they are.

20 Q. So I want to talk about just a few specific individuals
21 today.

22 Did you become familiar with an individual by the name of
23 Devon Dent over the course of your investigation?

24 A. Yes.

25 Q. And did you become familiar with his voice?

~~MOORE - DIRECT~~

1 A. Yes.

2 Q. How did you become familiar with his voice?

3 A. We were in the same room as him.

4 Q. And did you become familiar over the course of your
5 investigation with an individual by the name of Ayinde Deleon?

6 A. Yes.

7 Q. And did you become familiar with Mr. Deleon's voice?

8 A. I did.

9 Q. How did you become familiar with his voice?

10 A. Same thing, we were in the same room together.

11 Q. And what about an individual named Darius Stepney, did you
12 come across Mr. Stepney during the course of your
13 investigation?

14 A. We did.

15 Q. And did you become familiar with his voice?

16 A. I did.

17 Q. How did you become familiar with his voice?

18 A. He actually identifies himself via nickname in a number of
19 calls and we know that the nickname he uses, Cone or Conehead,
20 is only his nickname. Nobody else goes by that that we know
21 of.

22 Q. So I want to direct your attention to a few specific
23 calls. I'm going to start with Call J-48. J-48 is on Page 155
24 of the jail call tab of the transcript binders.

25 Now, Agent Moore, if you could look over here on the right

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1 side of the screen, can you tell us the date and time of this
2 particular call.

3 **A.** Right now there's nothing on my screen.

4 **Q.** Oh, my apologies.

5 Let's try that again.

6 **A.** There you go. April 22nd, 2016, at approximately 10:49 in
7 the morning.

8 **Q.** And were you able to identify the speakers in this
9 particular call?

10 **A.** Yes.

11 **Q.** Who did you identify them to be?

12 **A.** Mr. Deleon and Mr. Dent.

13 **Q.** And did you identify them based on the manner and means we
14 just described?

15 **A.** Yes, ma'am.

16 **Q.** So I'm going to play this call starting at 3 minutes and
17 28 seconds into the call.

18 (Audio was played but not reported.)

19 **MS. PERRY:** I'm going to jump ahead to about
20 10:44 into the call.

21 (Audio was played but not reported.)

22 **BY MS. PERRY:**

23 **Q.** I'm going to pause it here and turn to the next call.
24 This is J-49.

25 And looking here, first, on the right-hand side of the

~~MOORE - DIRECT~~

1 screen, can you tell us the date and time of this call.

2 **A.** Yep. It's April 22nd, 2016, at 2:05.

3 **Q.** And did -- were you able to identify the speakers in this
4 call?

5 **A.** Just one of them.

6 **Q.** And who was that?

7 **A.** That's Darius Stepney.

8 **Q.** I'm going to play the call starting at a minute and
9 48 seconds into the call.

10 (Audio was played but not reported.)

11 **BY MS. PERRY:**

12 **Q.** I'm going to stop it there.

13 Did you hear a reference to Gutta?

14 **A.** Yes, ma'am.

15 **Q.** And did you identify someone over the course of your
16 investigation who went by the name Gutta?

17 **A.** Yes, ma'am. That's Mr. Bailey.

18 **Q.** And you mentioned that you identified the person in this
19 call as Darius Stepney. Did he go by a nickname?

20 **A.** Yes. He went by Cone or Conehead.

21 **Q.** And did you hear that a phone number was provided in the
22 course of this call?

23 **A.** Yes, ma'am.

24 **Q.** So I'm going to turn now to J-50.

25 **THE COURT:** Next page, 163?

~~MOORE - DIRECT~~

MS. PERRY: Yes, 163.

BY MS. PERRY:

Q. And what is the date and time of this particular call?

A. It's, again, April 22nd, 2016. This time it's 10:11 in the evening.

Q. And were you able to identify any of the speakers in this call?

A. Just one, same thing. It's Darius Stepney again. Well, two. I'm sorry. Further down, it's Mr. Bailey.

Q. I'm going to play this call starting at two minutes and one second into the call.

(Audio was played but not reported.)

BY MS. PERRY:

Q. Now, I'm going to pause it there.

Did you hear where another voice came over the line?

A. Yes, ma'am.

Q. And did you recognize that voice?

A. Yes.

Q. Who did you recognize that to be?

A. That's Mr. Bailey.

Q. And how did you recognize Mr. Bailey's voice?

A. I've been in the same room as Mr. Bailey before.

Q. And did you -- when is this call -- let me pull back up the first page of this transcript.

But when is this call in relation to the one we listened

~~MOORE - DIRECT~~

1 to just before it?

2 **A.** Same date, a little bit later in the day.

3 **Q.** And the number that was provided in J-49 that we just
4 listened to, that (802) 839-8109 number, did that phone number
5 have some significance in your investigation?

6 **A.** Yes.

7 **Q.** Can you explain.

8 **A.** It ended up being one of the -- one of Mr. Bailey's
9 numbers that we later recovered.

10 **Q.** So I'm going to stick with J-50 for a moment and jump
11 ahead to 11 minutes into the call.

12 (Audio was played but not reported.)

13 **BY MS. PERRY:**

14 **Q.** I'm going to pause it here.

15 Did you hear a reference to Dirt?

16 **A.** Yes.

17 **Q.** And did you identify someone who went by the name of Dirt
18 over the course of your investigation?

19 **A.** Yes, we did.

20 **Q.** Who was that?

21 **A.** That's Mr. Banks.

22 **Q.** Now, I want to jump ahead to J-53, which is on Page 171 of
23 the transcript binder.

24 And, again, starting over here at the right, can you tell
25 us the date and time of this particular call.

~~MOORE - DIRECT~~

1 A. Yep. It's April 27th, 2016, at 11:26 in the morning.

2 Q. And can you tell us, what was going on in the
3 investigation on April 27th of 2016?

4 A. So the day before, on April 26th, 2016, Carlos Younger was
5 murdered around the Gwynn Oak and Liberty area, and then
6 April 27th would be the following day.

7 Q. And did anything significant happen in the course of your
8 investigation the next day, on April 28th of 2016?

9 A. Yes. Two more people got killed in the same area.

10 Q. Were you able to identify any of the speakers in
11 Call J-53?

12 A. Yeah. It's going to be Devon Dent and Ayinde Deleon.

13 Q. I'm going to play this call from the beginning.
14 (Audio was played but not reported.)

15 **BY MS. PERRY:**

16 Q. I'm going to stop it there and go back up to the first
17 page of the transcript.

18 Do you hear where Mr. Deleon said [reading]: A whole
19 bunch of wild shit happened?

20 A. Yes, ma'am.

21 Q. And, again, who's Dirt?

22 A. That's going to be Mr. Banks.

23 Q. Now, I want to turn to the next call. This is J-54, and
24 the transcript is on Page 173.

25 Again, starting over at the right, can you tell us the

~~MOORE - DIRECT~~

1 date and time of this call.

2 **A.** That's going to be April 29th, 2016, at about 3 -- 3:53 in
3 the afternoon.

4 **Q.** And were you able to identify any of the individuals
5 speaking in this call?

6 **A.** One is going to be Devon Dent, again, and the other is an
7 unknown female who just goes by Missy.

8 **Q.** And, again, April 29th, is that the day after the two
9 murders that you described earlier?

10 **A.** Yes, ma'am.

11 **Q.** I'm going to play this call.

12 (Audio was played but not reported.)

13 **BY MS. PERRY:**

14 **Q.** I'm going to stop it there and move back up a few pages in
15 the transcript.

16 Did you hear references to Yin?

17 **A.** Yes, ma'am.

18 **Q.** And did someone by the name of Yin come up in your
19 investigation?

20 **A.** That's Mr. Deleon.

21 **Q.** And were there -- did you also hear references to Murda?

22 **A.** Yes.

23 **Q.** And did Murda come up in your investigation?

24 **A.** Same person, Mr. Deleon.

25 **Q.** Did you hear the part in the call where Mr. Dent said

~~MOORE - DIRECT~~

1 [reading]: What "N" words we be doing, yo?

2 A. Yes.

3 Q. And Mr. Deleon said [reading]: Big Homie was up there.
4 Nephew was up there. But I don't know.

5 A. Yes.

6 Q. I'm going to turn to the next call. This is J-55.

7 And what is the date and time of this call?

8 A. Same date, April 29th, 2016, at about 5:28 in the evening.

9 Q. So is this shortly after the call we just listened to?

10 A. Yes, ma'am.

11 Q. I'm going to play -- I'm going to start about 20 seconds
12 in.

13 (Audio was played but not reported.)

14 BY MS. PERRY:

15 Q. I'm going to stop it here.

16 Did you hear a reference to Tech?

17 A. Yes, ma'am.

18 Q. And did an individual who went by the name of Tech come up
19 in your investigation?

20 A. Yes, ma'am. That's Mr. Dent.

21 Q. Now, I'm going to turn now to J-56.

22 And can you tell us the date and time of this call.

23 A. Sure can. Same date, April 29th, 2016, approximately
24 10:02 in the evening.

25 Q. And were you able to identify anyone in this particular

~~MOORE - DIRECT~~

1 call?

2 **A.** It's Mr. Stepney again, Darius Stepney.

3 **Q.** And, again, what was the nickname Mr. Stepney went by?

4 **A.** Cone or Conehead.

5 **Q.** So I'm going to play this call starting at about 1 minute
6 and 30 seconds in.

7 (Audio was played but not reported.)

8 **BY MS. PERRY:**

9 **Q.** I'm going to pause it here and go back up a page.

10 Agent Moore, did you hear when Mr. Stepney said [reading]:
11 Where Gutta and them at, yo?

12 **A.** Yes, ma'am.

13 **Q.** Did you hear the response [reading]: I ain't gonna lie.
14 Something already happened about that?

15 **A.** Yes.

16 **Q.** And then did you hear when there was -- when the other
17 person said [reading]: It's the 4700 block of Haddon,
18 34-year-old Anthony Hornes was pronounced deceased?

19 **A.** Yes, ma'am.

20 **Q.** I'm going to stop the call there.

21 **MS. PERRY:** And I have no further questions for the
22 witness at this time.

23 **THE COURT:** All right. We'll see if there's any --

24 **MS. WHALEN:** May we briefly approach the bench?

25 **THE COURT:** Sure.

1 (Bench conference on the record:

2 **MS. WHALEN:** Your Honor, Agent Moore was the person
3 who recorded Mr. Ferguson's responses at a proffer session. I
4 could call him, I guess, in my case. But what I was proposing
5 to do was just ask him the two inconsistent statements that
6 were denied by Mr. Ferguson; and that is, if the Government --
7 let's see. Here, he simply went along with what his friend had
8 said.

9 **MS. HOFFMAN:** I'm not sure -- do you mind just
10 flipping the page to see which witness -- which agent it is?
11 Okay. I wasn't sure if it was him.

12 **MS. WHALEN:** And the second one was where he said
13 that -- where is it? Is this the right one?

14 That Shropshire, yes, Shropshire was the one who
15 actually --

16 **MS. HOFFMAN:** And that's the same proffer?

17 **MS. WHALEN:** Yes. 122.

18 **MS. HOFFMAN:** Yes.

19 **THE COURT:** Yes, it makes sense to do it now.

20 **MS. PERRY:** Your Honor, do you mind, since
21 Mr. Ferguson was Ms. Hoffman's witness, she handles the -- I
22 can handle it. It's fine.

23 **THE COURT:** If it takes handling, you all can consult.

24 **MS. PERRY:** Thanks.)

25 (Bench conference concluded.)

~~MOORE - CROSS~~

CROSS-EXAMINATION

BY MS. WHALEN:

Q. Agent Moore, I'm going to jump to a different topic than what you were just testifying about.

A. Of course.

Q. And you were involved in a proffer session with Mr. Ferguson, Devin Ferguson?

A. Yes; a number of them.

Q. A number of them. All right.

A. Yes, ma'am.

Q. I want to direct your attention -- and I know you probably don't have your notes, so I'm going to hand them to you if you need them.

A. Sure.

Q. March 1st of 2017, do you recall being involved in a proffer session on that date with Devin Ferguson, Ms. Perry, Ms. Hoffman, and a police detective and an attorney for Mr. Ferguson, Joe Balter?

A. Vaguely, yes.

Q. Okay. Did you record -- by that I mean did you write down statements that were made?

A. I take my own notes of -- not verbatim, not, you know, quotes of what was said, but my own notes.

Q. All right. You attempt, though, to record the information from Mr. Ferguson that you feel is pertinent or important to

~~MOORE - CROSS~~

1 the investigation?

2 **A.** Yes, ma'am.

3 **Q.** All right. And do you recall -- and like I said, I'm not
4 going to try to trick you. I'll give you your notes. But do
5 you recall that you were talking or Mr. Ferguson was talking
6 about an incident in which he had been shot -- and I believe it
7 was by Tech and Tone, he said?

8 **A.** Yes, I do.

9 **Q.** All right. And do you recall that he indicated to you all
10 that a Detective Howard confronted him with the information
11 that Shelton Jacobs and Ro-Ro, or Rashard Pierce, were actually
12 the shooters?

13 **A.** I remember the substance of that conversation being that
14 Detective Howard and Detective Ferguson [sic] had differing
15 opinions on what had happened.

16 **Q.** You mean Mr. Ferguson?

17 **A.** Mr. Ferguson. I'm sorry. Yeah.

18 **Q.** Sure. And do you remember that Mr. Ferguson indicated
19 that when he was confronted with the information that
20 Shelton Jacobs and Ro-Ro, who is Rashard Pierce, did the
21 shooting, he simply went along with what his friend had said?

22 **A.** Are you quoting my --

23 **MS. WHALEN:** May I approach?

24 **THE COURT:** Yes.

25 **THE WITNESS:** Thank you, ma'am.

~~MOORE - CROSS~~

1 **BY MS. WHALEN:**

2 **Q.** I'm going to direct you to a point -- no numbers.

3 **A.** That's okay.

4 **Q.** The third dot or point there (handing).

5 **A.** Sure.

6 Yes, ma'am.

7 **Q.** All right. And is that, to the best of your recollection,
8 what Mr. Ferguson told you about the incident?

9 **A.** That's correct.

10 **Q.** All right. And do you recall talking -- perhaps I'd
11 better get back here -- talking also with Mr. Ferguson about
12 the day in which he was arrested, April -- excuse me,
13 August 2nd of 2016?

14 **A.** Yes.

15 **Q.** And that would be a felon in possession charge?

16 **A.** Yes, ma'am.

17 **Q.** Okay. And on that day, do you recall him talking about a
18 shooting that happened prior to the car being stopped and he
19 being arrested?

20 **A.** Yes.

21 **Q.** All right. And do you recall Mr. Ferguson said there was
22 a separate shooting that Shropshire perpetrated an hour or two
23 before Ferguson, et al., got arrested?

24 **A.** Yes.

25 **Q.** And Mr. Ferguson believed Shropshire was trying to kill

~~MOORE - CROSS~~

1 Harold Ushry?

2 Do you recall that?

3 **A.** Yeah. It's "Ushry." Harold Ushry, yes.

4 **Q.** Ushry. All right. Thank you.

5 **MS. WHALEN:** That's all I have.

6 Thank you, sir.

7 **THE WITNESS:** Sure.

8 **THE COURT:** Anybody else?

9 (No response.)

10 **THE COURT:** Any redirect on that point?

11 **MS. PERRY:** No, Your Honor. Thank you.

12 **THE COURT:** All right. Thank you very much, sir.

13 **THE WITNESS:** Thank you, ma'am.

14 **THE COURT:** You're excused.

15 (Witness excused.)

16 **THE COURT:** I assume this is a good time to conclude
17 for the day.

18 All right. So, ladies and gentlemen, we are not
19 sitting tomorrow, and we will be starting up for our morning
20 session on Monday at 9:30.

21 So usual instructions: Please leave your notes here.
22 Don't talk about the case. Don't do any research. Keep an
23 open mind. And we'll see you Monday at 9:30.

24 Thank you very much.

25 (Jury excused at 4:52 p.m.)

1 **THE COURT:** All right. Any issues anybody wants to
2 anticipate for Monday?

3 **MS. AMATO:** Not until we know the witnesses,
4 Your Honor.

5 **THE COURT:** All right. In that case we will excuse
6 the gallery.

7 Okay. And maybe either Monday or at least Tuesday, we
8 might discuss the schedule more generally and what predictions
9 are for how much sooner we might finish than you thought we
10 were going to.

11 **MS. HOFFMAN:** Sure. We can tell the defense counsel
12 who our anticipated witnesses will be for Monday. It
13 depends -- so we are just sitting -- is it 9:30?

14 **THE COURT:** 9:30 to 1:00.

15 **MS. HOFFMAN:** To 1:00?

16 **THE COURT:** Yes.

17 **MS. HOFFMAN:** So we're going to continue with the
18 Anthony Hornes murder. So it will be Agent Wilde again on the
19 cell sites; Donna Vincenti, who's the Medical Examiner. I
20 apologize; we hadn't intended to call Agent Moore twice. But
21 it will be Agent Moore again to testify about some additional
22 things relating to that murder, as well as the search warrant
23 on Dante Bailey's residence at 7607 Reserve Circle on May 17th
24 of 2016 and a related -- or prior to that, the seizure of
25 firearms from the Continental Arms firing range where

1 Dante Bailey illegally possessed firearms on May 3rd.

2 And then if we get there -- and we're not sure we
3 will -- but we will move into Detective Niedermeier on the
4 Ricardo Johnson murder.

5 **THE COURT:** Okay.

6 **MS. HOFFMAN:** And I know Your Honor doesn't know yet,
7 but do we anticipate that we'll know by the end of this week
8 whether we'll be sitting Thursday of next week?

9 **THE COURT:** Unfortunately, we don't. You know, if
10 it's too much trouble for everyone, then you've just got to let
11 me know.

12 I don't think Judge Russell is going to be able to
13 tell me -- his JA's been out. There's still a lot of
14 defendants left. It's a juggling. So I don't anticipate it
15 being until early next week, but that's really all I can say.

16 **MS. HOFFMAN:** Okay. Thank you.

17 **THE COURT:** Thank you, all. I'll see you Monday at
18 9:30.

19 (Court adjourned at 4:57 p.m.)
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I, Douglas J. Zweizig, RDR, CRR, do hereby certify that the foregoing is a correct transcript from the stenographic record of proceedings in the above-entitled matter.

/s/

Douglas J. Zweizig, RDR, CRR, FCRR
Registered Diplomat Reporter
Certified Realtime Reporter
Federal Official Court Reporter
DATE: November 13, 2019

Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

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